CODE OF JEWISH LAW

(SCHULCHAN ARUCH)

Molly Miller

Rabbi Zoll

CODE OF JEWISH LAW

(KITZUR SCHULCHAN ARUCH)

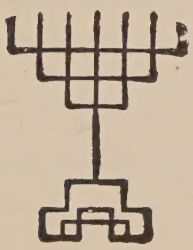
A COMPILATION OF JEWISH LAWS AND CUSTOMS

By

RABBI SOLOMON GANZFRIED

Translated by

HYMAN E. GOLDIN, LL. B.



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CHAPTER I.

I. Laws Relating to the Conduct Upon Rising in the Morning.

1. "I have set the Lord always before me" (Ps. xvi, 8). This is an important principle in the Torah as well as one of the superior virtues of the righteous who walk before God. For, the manner of sitting, movements and affairs of a man, when alone in his house, are not the same as when in the presence of a great king. One's manner of talk and boasting when among his own family and friends is likewise not the same as when in the company of a king. In the latter case a man would certainly take precautions that his movements and manner of speech be properly prepared. So much the more (would a man be cautious) when he would consider that the Great King, the Holy One, blessed be He, whose glory fills the whole earth, always stands near him and observes his doings; as it is said: "Can a man hide himself in secret places that I shall not see him? saith the Lord. Do not I fill the heaven and the earth?" (Jer. xxiii, 24). Upon considering this, awe and humility will at once overtake him because of the fear of God, blessed be He, and he will be abashed before Him.

2. While a man lies in his bed he should also be mindful in whose presence he is. As soon as he awakes, he must be mindful of the mercy of God, blessed be He, in that He has restored to him his soul of which he had given Him charge when it was weary, and which He restored to him refreshed and invigorated, so that he may worship Him with all his might, and minister to Him the whole day, for this is the object of every man; as it is said: "They are new every morning; great is Thy faithfulness" (Lam. iii, 23), which means, every morning the man becomes a new creature; and for this he has to thank God, blessed be He, with all his heart. While still in his bed, one must say: "I thank Thee, O living and eternal King, because Thou hast graciously restored my soul to me; great is Thy faithfulness." (One may say this prayer although his hands are yet unwashed, since the name of God is not mentioned there). When saying this prayer, it is necesary that one should make a pause between the words "graciously" and "great."

3. "Judah, the son of Tema, said, Be strong as a leopard, light as an eagle, fleet as a hart, and strong as a lion, to do the will of thy Father who is in heaven." (Ethics of our Fathers v, 23). "Strong as a lion" means that no man should be ashamed of the people who mock him when engaged in the service of God, blessed be His name. "Light as an eagle" refers to the vision of the eye; i. e., be swift in shutting your eyes not to look at evil things, because vision is the inception of sin: the eye sees, the heart covets, and the instruments of action complete it. "Fleet

as a hart" refers to the legs; i. e., your feet shall always run swiftly to do good. "Strong as a lion" refers to the heart, because the seat of strength to do the service of God, blessed be His name, is in the heart. It is the duty of man to strengthen his heart to do His service, and to prevail over his evil inclination, just as the hero makes every endeavor to prevail over his enemy, subdues him, and throws him down to the ground.

4. It is therefore incumbent upon every man to strengthen himself like a lion. Immediately upon awakening from his sleep he must rise quickly and be ready to serve his Creator, blessed be He, before the evil inclination is given an opportunity to prevail over him with claims and designs not to rise. In the winter, for instance, the evil inclination attempts to persuade him with the subtle argument: "How can you rise now so early in the morning when the cold is so intense?" In the summer he uses this argument: "How can you rise now when you have not had sufficient sleep?" or with other pretensions similar to the above. For the evil inclination well knows how to catch man in his net (mounds), so that he shall neglect to rise. Therefore every man who fears and trembles at the word of God, must overcome him and disobey him. Even when it is burdensome for him to rise because of heaviness of body or because of habitual laziness, he shall make it as his aim to fulfill the will of the supreme King of kings, the Holy One, blessed be He. And he shall consider the following: if a man would call him to attend to a certain transaction wherefrom he could derive some gain, or to collect a debt, or one would call him to save his property from certain destruction because a fire broke out nearby, or the like, then he would surely rise immediately because of the love for his property, and he would not be negligent. Or if a man would have to go and perform service to the king, then he would surely rise hastily and would not be negligent lest he be accused, or that he may find favor in the eyes of the king. So much more must one rise hastily when he is to perform the service of the Supreme King of kings, the Holy One, blessed be He. He who accustoms himself to such rising four or five times will experience no difficulty in doing it thereafter: if one is willing to be pure, he will be assisted.

5. If one is able to rise at midnight and perform the midnight service, there is nothing more pious than this; as it is said: "Arise, complain aloud in the night, in the beginning of the watches" (Lam. ii, 19); just as the Holy One, blessed be He, laments at that moment, as it is written: "The Lord will cry aloud from on high, and from His holy habitation will he send forth His voice; He will cry very loudly over His habitation." (Jer. xxv, 30); and He then says: "Woe to my children on account of whose iniquity I destroyed My house and burnt My Temple, and them I exiled among the nations." But if one is unable to rise at midnight, he shall at least make an effort to rise before dawn; as King David, said: " I will wake up the morning-dawn" (Ps. lvii, 9), which means

I awaken the dawn, but the dawn does not awaken me. One may perform the midnight ceremony even after midnight, and after that engage himself in the study of the Torah, everyone according to his knowledge The study of a portion of the Mishnah is preferable to any other study, but if he is not so learned, he shall read the Psalms, *Ma'amodoth.* (1) or books of instruction. A little with devotion is better than much without devotion. Rabbi Hiya taught: "The Holy spirit is in the presence of the one who studies the Torah at night; as it is said: "Arise, complain aloud in the night, in the beginning of the watches; pour out like water thy heart before the face of the Lord;" (Lam. ii, 19); which means that the Holy Spirit is then in thy presence. Our Rabbis, of blessed memory, said again: "He who engages in the study of the Torah at night, is called "a servant of the Lord;" as it is said: "All ye servants of the Lord that stand in the house of the Lord in the night" (Ps. cxxiv, 1). In the short nights, when it is impossible to rise so early, he shall at least try to rise early enough to have sufficient time within which to prepare himself to go to the synagogue to pray together with the congregation.

6. Psalms and other portions of the Pentateuch, Prophets and Hagiographa, which are not ordinarily known by heart by most of the people, must not be read by heart even by the one who is well versed in them. A blind man, however, is permitted to read those portions by heart.

7. We must try to prevent those who conclude the reading of the *ma'amodoth* with a benediction including God's name therein; for such benediction must be read without incorporating God's name therein; thus: "Blessed be Thou (not Thou, O Lord) who hearest prayers."

CHAPTER II.

Laws Relating to the Washing of the Hands in the Morning.

1. Because a man rising in the morning from his bed is like a new creature in as far as the service of the Creator is concerned, blessed be He, it is incumbent upon him to purify himself and wash his hands out of a vessel, just as the Priest was accustomed to purify his hands daily out of the wash-basin prior to his service (in the Temple). This washing may be supported by a Biblical verse; for it is said: "I will wash in innocence my hands, and I will compass thy altar, O Lord: That I may publish with a loud voice" etc. (Ps. xxvi, 6-7). There is another reason for this morning washing: when a man is asleep the holy soul departs from his body, and the unclean spirit comes down upon him. When he rises from his sleep the evil spirit departs from his entire body excepting from his fingers. From there the unclean spirit does not depart unless he spills water on them three times alternately. One is not permitted to walk four cubits without having his hands washed, except in extreme cases of necessity.

(1) Form of prayers, containing selections from the Bible and the Talmud.

2. The first garment which a male must put on is the one with the fringes (*arba hanphos*), for he is not allowed to walk four cubits without fringes. But as his hands are yet unwashed, he must not say the benediction upon putting it on.

3. In the morning the hands are to be washed in the following manner: He takes the vessel in his right hand and puts it in the left; thereupon he spills water with the left upon the right, and then he takes it in the right and spills water on the left, repeating this performance three times. It is best to spill water over the hands as far as the wrist, but in cases of emergency it suffices to spill water up to the joints of the fingers. One must wash his face in honor of his Creator; because it is said: "For in the image of God hath He made the man" (Gen. ix, 6). He must also rinse his mouth of saliva, because he has to make mention of the great Name in purity and cleanliness. Thereafter he dries his hands, and he must be careful to dry his face well.

4. He must wash his hands into a vessel only. The water (used for washing) must not be used for any other purpose, because the evil spirit rests in it, and it must be spilt in a place unfrequented by people.

5. Before his morning hand-washing one must not touch his mouth, nor his nose, nor his eyes, nor his ears, nor his anus, nor any kind of food, neither in the place where a vein is open, because the evil spirit that rests upon the hands before washing is injurious to such places and things.

6. It is best to be particular and have the hands washed in the morning into a vessel with water which is applied by human effort, just as it must be done when washing the hands before meals. But in case of emergency, when all the requirements cannot be fulfilled, and he is desirous of praying, he is permitted to wash his hands out of any vessel and with any kind of water, not requiring that the water be spilt by human effort, and he may pronounce the ordinary benediction for washing the hands. If there be a river or snow at hand, it is best to dip his hands three times therein, but if there is no water in any form whatsoever, he may wipe his hands thoroughly with any material, and say the benediction: "Blessed be .... for cleaning (not washing) the hands." Afterwards upon finding water and the required vessels, he must wash his hands properly without saying any further benediction.

7. It is written: "Bless the Lord, Oh my soul, and that is within me bless His holy name" (Ps. ciii, 1); since it is incumbent upon a man to bless the Name with that is within him, therefore it is forbidden to worship until one has cleaned himself from excrement and urine. As one ordinarily has to ease himself or at least to urinate in the morning, therefore he should not pronounce the benediction upon washing the hands in the

morning until he has cleaned himself; then he washes his hands again, pronouncing the benediction upon the washing of the hands and the other benedictions that follow.

8. If one rise while it is still night and washes his hands as hereinbefore prescribed, and then stays awake until dawn; or if he falls asleep again while it is still night; or if he sleeps sixty breaths (about one half hour) during the daytime; or if he is awake the whole night; in all these cases it is doubtful whether hand washing is necessary or not; therefore he shall wash his hands three times alternately (as prescribed above), but shall not pronounce the benediction.

9. On the following occasions the hands must be washed: on awakening from sleep, on leaving the lavatory or bath, on paring the nails, after hair cutting, after taking off the shoes (with the hands), after having copulation, after touching a vermin, after searching the clothes for vermin although he does not touch a vermin, after combing the head, after touching the body in places which are usually covered, after leaving a cemetery, after accompanying the dead, on leaving the house where the corpse lies, and after blood-letting.

CHAPTER III.

Laws Relating to the Dressing and Manner of Walking.

1. It is written: "And to walk humbly with thy God" (Micah, vi, 8). Therefore it is incumbent upon man to be modest in all his ways; hence when he puts on or takes off his shirt or any other garment that covers his body, he should be very careful not to expose his body; but he shall put it on or take it off while still lying in his bed covered. One should not say to himself: "Behold, I am in my inner chamber and in the dark; who sees me?" For the glory of the Lord, blessed be He, filleth the whole earth, and darkness and light are alike to Him, Blessed be His name. And modesty and shame cause a man to humble himself before Him, blessed be His name.

2. It is prohibited to walk in the customs of the idol-worshippers or to imitate them either in dressing or in cutting the hair, or the like; as it is said: "And ye shall not walk in the customs of the nation" (Lev. xx, 23); and it is said again: "And in their customs ye shall not walk." (Lev. xviii, 3); and it is said again: "Then take heed to thyself that thou be not snared by following them" (Deut. xii, 30). One shall not put on a garment which is specifically worn by them for haughtiness and which is a garment worn by princes; and as the example mentioned in the Talmud wherein an Israelite is not permitted to imitate them even regarding the shoe string if it is customary for them to tie it one way and for the Israelite in another way, or if it is their custom to have red strings and

the Israelites to have black ones, because the black color is indicative of humility, humbleness and modesty, then an Israelite is forbidden to change. From this every man can learn how to act depending upon the place and the time; for a cloak made for haughtiness and insolence by the heathens should not be worn by an Israelite, but his garments shall be such as point to humility and modesty. Thus it is stated in the Sifri: "You shall not say, Because they go out dressed in purple, I, too, will go out dressed in purple; because they go out with weapons, I, too, will go out with weapons; for these are the words of the proud and the haughty, and this is not the portion of Jacob, because their mode of life is to be modest and humble and not to turn to the proud. Likewise everything which was established by them as a custom in which there is likely to be any indication of idolatry, should not be imitated by an Israelite. One should also not cut or let grow his hair as they do, but one should differ from them in his dress and manner of speech and his other deeds, as he differs from them in his knowledge and his perceptions, and thus it is said: "And I have separated you from the nations" (Lev. xx, 26).

3. One should not put on costly garments, for this leads a man to pride; nor should one put on too common ones nor soiled ones, in order that he may not be despised by people; but he shall have moderate priced and clean clothes. A man should even sell the beams of his house in order to secure for himself shoes.

4. Since we find in the Torah that the right hand is the most important regarding the service, concerning the thumb of the hand and the toe of the foot in the consecration of the Temple, appertaining to the law of the leper, and relating to the law of *halizah*, therefore in dressing himself and in other matters, a man should always give precedence to the right over the left; but in taking off shoes and other clothes, the left should be given preference. With regard to fastening a string, the left should have the precedence, because the *tephilin* are fastened there. Therefore when a man has to make a knot, he shall make it on the left side first. For instance if his shoes have laces, he should put the shoe on the right foot, without lacing it; then he should put it on the left and lace it, and thereafter lace the one on the right. This law likewise applies to the rest of the clothes.

5. One should be very careful not to put on two garments at one and the same time, because it is harmful to his memory.

6. A man must not walk four cubits nor utter a single word of holiness with uncovered head. Also the little ones must be accustomed to have their heads covered in order that the fear of God may be upon

them. As we find with the case of Rab Nachman b. Isaac, to whose mother the astrologers said (when he was young): "Your son is destined to be a thief." He would not allow his mother to cover his head, so she said to him: "Cover your head, in order that the fear of heaven may be upon you," etc. (Sabbath, 156b).

7. It is prohibited to walk haughtily with stretched out neck, concerning this it is said: "And they walk with stretched forth necks" (Isaiah, iii, 16). Nevertheless he should not bend his head too low, but walk in moderate manner, in order that he may be able to see the one who approaches him, and also be able to watch his steps. Even from the manner of a man's walk it is known whether he is wise and a man of knowledge or an imbecile and a fool. Thus said Solomon in his wisdom: "Yea also, on whatever way the fool walketh, doth he lack proper sense, and he saith to all that he is a fool" (Ecc. x, 3). Which means that he notifies everybody concerning himself that he is a fool.

8. It is proper to be careful not to walk through between two women, nor between two dogs or two swines. Likewise men shall not permit a woman or a dog or a swine to pass between them.

CHAPTER IV.

Laws Relating to Decency in the Lavatory.

1. A man should accustom himself to ease himself evening and morning, which causes alertness and cleanliness. If he is unable to ease himself, he should walk a distance of four cubits and then sit down again and then rise again until he eases himself, or he should divert his attention from other matters. He who defers his defication is violating the law of "You shall not make yourselves abominable" (Lev. xi, 43); and he who defers urination at need, violates also the law of "There shall not be a barren male among thee" (Deut. vii, 14).

2. A man should be modest upon entering the privy. He shall not expose his body until actually necessary, and even then he shall not expose his body more than is actually necessary so as not to soil his clothes, and he must observe this whether it is at night or by day. When he eases himself in the open having no enclosures around, he should so manage it as to either face the South or the North, but he should never face either the East or the West, but if there is a wall, he may ease himself in any manner providing his back be turned towards such wall. It is permitted to urinate in any manner. A man should not ease himself in the presence of people, but he is allowed to urinate if needed, even in the daytime and

in the presence of many people, because there is danger in restraining himself. Nevertheless, in the latter case he should at least turn aside.

3. A man should not ease himself while standing, nor shall he overstrain himself so that he might break the glands of the rectum. And he shall not be in haste to leave the privy unless he be certain that he no longer requires it. When one urinates while standing, he should take care not to sprinkle any urine on his shoes or on his clothes, and he should be extremely careful not to hold the membrum.

4. In the privy it is prohibited to think of matters of the Torah; it is therefore best to concentrate his thoughts upon his business and accounts while there, in order that he might not come to think of matters of the Torah or, God forbid, to think of some violation of the law. On the Sabbath, when it is not permitted to think about business, he should think of some wonderful things that he had either seen or heard, or the like.

5. One should be extremely careful to wipe himself thoroughly, for should there be any excrement left, he is not permitted to say anything holy. One should not wipe himself with his right hand, for with it he puts on the *t'philin*. And for the like reason one is forbidden to use the middle finger of the left hand in wiping himself for on it he winds the strap of the *t'philin*. A left handed person may wipe himself with his left which is everybody else's right.

6. After each defication or urination even of but one drop, one must wash his hands and say the benediction "*asher yotzar*." If he forgot to say the benediction, and thereafter, after he had urinated or eased himself again, reminded himself that he had neglected to say it the first time, he is not compelled to say this benediction more than once. If he takes a laxative, and he knows that he will have to ease himself several times, he should say the benediction only when he knows that this is the end.

CHAPTER V.

Laws Regarding the Cleanliness of the Place for Holy Purposes.

1. It is written: "Thou shalt cover thy excrement for the Lord thy God walketh in the midst of Thy camp etc., therefore shall thy camp be holy, that He see no unclean thing in thee" etc. (Deut. xviii, 14-15). From this the Rabbis, of blessed memory, have concluded that wherever the Lord our God walks with us; i. e., when we are engaged on a holy matter, for instance the reading of the *sh'ma* or prayer or the study of the Torah or the like, then the camp must be holy, and no uncovered excrement be found there, and that nothing unseemly may be visible to the reader, nor to the one who prays.

2. Even to meditate on holy matters in a place where there is excrement or urine, or anything that produces a bad odor, is prohibited unless it be covered, as it is said: "And thou shalt cover thy excrement" (Deut. xxiii, 14). He may throw a quart of water into the fluid of one urination, and it is immaterial whether the urine was first in the vessel and he throws the water on it, or whether the water was in the vessel first and he urinates in the water. (But if the urine is contained in a nightpot which is specifically kept for urination, the throwing of water therein would not suffice; vide Sec. 13, infra). For two urinations two quarts are needed, and so on. Even if the urine became absorbed in the ground or in a garment, but as long as there remains some moisture, he must throw water thereon.

3. If there is excrement on any part of his body, although it is covered with his garments, he is not permitted to engage on holy matters; for it is written: "All my bones will say, Lord, who is like unto thee" (Ps. xxxv, 10); therefore it is essential that his entire body be clean. Some authorities are lenient regarding this matter, but it is more proper to follow the stricter opinion. Even if there is a small particle of excrement in the anal orifice, although it is covered, all concur that it is of no avail, because in its original place its loathesomeness is greater.

4. Wherever there exists any doubt whether there is excrement or urine present, one must take care not to utter anything that is holy, until he examines the place. It is prohibited to pray in a house in which there is excrement in the upper story.

5. It is necessary to keep away from the excrement and urine of an infant at an age when he is able to eat the size of an olive of any kind of grain, even when boiled, in the time an adult can eat a slice. It is proper to keep away from the excrement of an infant eight days old.

6. One must keep himself at a distance from the excrement of a human being, although it produces no bad odor, and also from the excrement of a cat, marten, and red cock. One is not bound to keep far away from the excrement of any other animal or bird, because it ordinarily produces no bad odor, but he must keep away therefrom if it does produce bad odors. So must one keep away from anything that produces bad odors due to its having become rotten; such as a corpse, etc. So must one keep away from a chicken coop, stench water, or water from a pool wherein flax or hemp is soaked, and which ordinarily produces bad odors. One must keep far away from the above mentioned things just as he has to keep away from excrement.

7. Excrement made so dry that it crumbles by rolling, is considered like earth, providing it no longer produces any bad odor. But if it became frozen, since it will return to its former state in warm weather, it is still considered excrement. The covering of snow upon excrement is considered a valid covering.

8. How far must one keep away? If the excrement was from behind him, he has to keep away four cubits from the spot where the smell disappears; and even if he does not smell the bad odor, he has to keep away the same distance as if he had smelled it. But if it does not produce any bad odors, it suffices if he keeps away four cubits from the place where it is found. If it is in front of him, he has to keep away therefrom until it disappears totally from view. Even at night he has to keep away the same distance as if it were daytime. If it is on the side of him, one must follow the stricter view and keep away the same distance as if it were in front of him, and he should then turn aside so that it should remain in the back of him.

9. If excrement is discovered in a house where people pray with a congregation, the Reader must stop praying until it is either removed or covered. This is true even if it is from behind him and it is distant from him more than four cubits from the place where the bad odors entirely disappear, because it is impossible that there should not be one man in the congregation who is found within four cubits from where the bad odors cease, and this man is not permitted to listen and to pay attention to what the Reader is saying.

10. If one discovers excrement after he is through with his prayer, if the place is such which a man should suspect that excrement may be found there and he was grossly negligent and failed to investigate, inasmuch as the prayers of the *'amidah* is in lieu of a sacrifice, it is considered like the sacrifice of the wicked which is abominable, and therefore he must pray the *'amidah* over again. So must he repeat the reading of the *sh'ma* in such a case, since this reading is by a decree of the Torah and there is no danger of pronouncing a benediction in vain; however, he must say this without the benedictions. In such event he must not repeat the benedictions where the name of God is pronounced, and even the Grace after meals he must not repeat. If, however, the place is not susceptible of containing excrement, he has discharged his duty when it is post facto even as far as the *'amidah* is concerned, for the reason that he is not considered as grossly negligent. If urine is found even in a place which raises suspicion, he has discharged his duty when it is post facto even as to the *'amidah*.

11. If a bad odor went forth from one he is not permitted to engage himself on holy matters until the bad odor disappears; the same law applies to a case where the bad odor went forth from his neighbor. But if he is engaged in the study of the Torah, it is not necessary for him to interrupt his study on account of a bad odor that went forth from his neighbor.

12. One must keep away from a lavatory although it has walls and does not contain anything unclean. Therefore a bench with a hole under which they put a chamber pot for one to do his need thereon partakes the nature of a lavatory although the pot was removed and the hole was covered with a board. It is therefore necessary to either remove it from the house or to cover it entirely. But we do not have to be so strict with a chair made primarily to sit upon, and is covered with a pillow for the purpose of sitting thereon, but in a case of emergency the pillow is removed and is used for one to ease himself, and then the pillow is restored to its place.

13. The law concerning a lavatory applies to a vessel for the collection of excrement, and a tub for urine made of clay or wood although they are clean and do not produce bad odors. It is of no consequence even if he puts water in them, or he turns them over, or he puts them underneath the bed, but he must either remove them from the house or cover them. If the pot is made of metal or glass and thoroughly washed and does not produce a bad odor, it is not necessary to keep away therefrom. The mouth of a swine is considered like a night pot, for the reason that it pecks at excrement. Even if it comes out of a river the washing is of no consequence.

14. In the bath house likewise, it is prohibited to speak or meditate about any holy matter. It is forbidden to mention names appropriated to the Holy One, blessed be His name, even in a tongue not holy, either in a bath-house or in filthy alleys. It is forbidden to say "Shalom" to a friend, for "Shalom" is the name of the Holy One, blessed be His name; as it is written: "And he called it 'Adonai Sholom'" (Judg. vi, 24). There are some who are of the opinion that if a man's name is "Shalom," he must not be called by his name in the places mentioned before. Others permit it for the reason that there is no intention to mention anything appertaining to peace, but simply to call the man by his name. It is customary to be lenient in this regard, but the God-fearing should follow the stricter opinion.

15. It is forbidden to discuss the matters of the Torah or express anything holy in the presence of the genital organs, whether exposed of himself or of others, even of male or female minors. It does not suffice even if he closes his eyes not to see the organs, since it is in front of him; but he must turn away his face and body from it.

16. As regards the body of a woman, the uncovering thereof of the size of a hand-breadth of any portion which is usually covered is considered as the genital organs when in the presence of a male; and the

hair of a married woman, which must always be covered, is treated as a part of her body if a part of it is uncovered. And in this regard it is immaterial whether it be one's own wife or any other woman. However, when exposed in the presence of another woman it is not regarded as the genital organs. The song of a woman is likewise regarded in law as indecent as the exposed parts of the body. However, in cases of emergency when one hears the song of a woman and he is unable to stop it, he must not neglect, because of that, the reading of the *sh'ma*, or the *'amidah* or the study of the Torah, but let him endeavor to direct his entire attention to the holy service with which he is occupied, and pay no heed to her.

17. If his genital organs are exposed to his breast, he is not permitted to utter anything holy, although his genital organs are covered, as when for instance he is wrapped in a wide long robe. He should either put on trousers which are tight on his body, or gird himself with a girdle, or place his arms on his robe in order to make a separation between his breast and his organs. This law has no application to a woman.

CHAPTER VI.

Laws Relating to Benedictions Etc.

1. Before one utters any benediction, he must ascertain which one he has to say, so that when he mentions God's name, which is the most important part of the benediction, he should be aware of its conclusion. It is forbidden to do anything else while uttering the benediction; and it must not be uttered hurriedly; but attention must be paid to the signification of the words. And this is the language of the "Book of the Pious:" "When one washes his hands or utters benedictions on fruits or on performing precepts wherein everybody is well versed, he shall direct his attention to praise the name of his Creator who magnified His mercy with him and gave him the fruit or the bread of which he partakes, and also commanded him to perform this precept. He shall not do it in the manner a man is doing something out of mere habit, uttering words with his mouth without meditation of the heart. On account of this the anger of God was kindled, and He sent us word by Isaiah, His Prophet, saying: "Forasmuch as this people drew near with their mouth, and with their lips do honor Me, but have removed their heart far from Me, and their fear toward Me is but the acquired precept of men" (Isaiah, xix, 13). The Holy One, blessed be He, said to Isaiah: "Look at the deeds of My children, and see that they do it only outwardly, and hold on to it just as a man clings to the precedents of his parents; they enter My house and pray before Me the fixed prayers, in accordance with the customs of their fathers, but not with their entire hearts; they clean their hands and utter the grace for the occasion; they cut off a piece of bread and utter the benediction of "Hamotsi"; they drink and pronounce grace as they are acustomed to do: but at the time they pronounce the benedictions they do not intend to praise Me thereby." Therefore His wrath was kindled

and He swore by His great name to destroy the wisdom of their wise men, who know Him and praise Him because of established customs, but not with attention; as it is written thereafter: "Therefore, behold, I will do yet farther, etc., so that the wisdom of their wise men shall be lost etc." (L. c. 14). Therefore have the sages warned concerning this matter and said: "Do things for the sake of their Maker etc." It is proper that one should utter the benedictions aloud, because the voice causes concentration of mind.

2. When one utters a benediction, his mouth must be free from saliva, and nothing else must be found then in his mouth; for it is said: "My mouth shall be filled with Thy praise" (Ps. lxxi, 8).

3. It is forbidden to mention the name of God in vain, and he who does mention the name of God in vain violates a positive command, for it is written: "The Lord thy God shalt thou fear," and it is written again: "If thou wilt not observe .... to fear this glorious and fearful Name" (Deut. xxviii, 58). And this is included in the conception of fear; that one should not make mention of His great name unless by the way of praise or blessing whenever necessary, or when studying. One's entire body must tremble upon mentioning the name of God, blessed be His name, and one should not mention it, God forbid, in vain. This law applies not only to the exact Name, but to all names attributed to Him, blessed be His name. It is forbidden to make mention of it not only in the holy tongue, but even in all languages. He who curses either himself or his neighbor by pronouncing His name, blessed be He, or by pronouncing an attribute (an attribute is the one which we are accustomed to praise the Holy One, blessed be He, such as: the great, the strong, the fearful, the faithful, the glorious, the mighty, the firm, the powerful, the gracious, the merciful, the zealous, the long-suffering, the abundant in mercy) in any language incurs upon himself the punishment of lashes. Because of our numerous transgressions, the majority of the masses are not careful and say in the vernacular: "God shall punish him," or the like, and by saying this they violate a negative command of the Torah. If a man curses without expressly mentioning God's name or an attribute, or if the curse may be inferred from the contents of his words, as for instance when he says: "May that man not be blessed by God," or expressions of similar nature, although he does not incur the punishment of lashes thereby, nevertheless it constitutes a violation. It is likewise forbidden to mention His name in any letter written in any language. Many people erroneously write the name of God in the vernacular, or they write the word "adieu" which in the French language means "with God", and this is a true violation, for in course of time this letter will be rolling in the dung hill. And this, the mentioning of the name of God so frequently, all the more so when mentioned disgracefully, God forbid, brings poverty upon Israel; and wisdom and fortitude are required to abolish this. When saliva accumulates in one's mouth, he should spit first and then mention the name of God, but not mention the name of God first and thereafter spit out. Likewise upon the occasion of kissing the Scroll of the Torah one should spit out before

and not thereafter. When one wishes to mention the name of God, let him say the word *hashem* (the Name), and not as the common people erroneously say *adoshem*, for this is not the dignified way when referring to heaven.

4. It is necessary to be careful not to utter a benediction in vain, God forbid; nor should one create for himself an occasion upon which to utter an unnecessary benediction. If by inadvertance one does utter a benediction in vain, or if he mentions the name of God unnecessarily, he should thereafter say: "Blessed be He and blessed be His name for ever and ever." If immediately after pronouncing the name of God (in the middle of the benediction), he reminds himself that there is no need for him to say the benediction, he shall then conclude it with: "Teach me Thy statutes" (Ps. cxix, 12), because this is a complete verse in itself, then it is considered like study and the Name is consequently not mentioned unnecessarily. If he also began the word *elohenu*, (our God) but he reminded himself immediately after he said *elohe* (meaning the God of) and did not say the end of the word *nu*, then he shall conclude with "Israel our Father for ever and ever" (I. Chro. xxix, 10). He should also add: "Blessed be the name of the glory of His kingdom for ever."

5. If one uttered a benediction over water and then he became aware that somebody had died in the neighborhood, and in such event it is customary to spill out the water found in the house in buckets because it is considered dangerous, nevertheless he must taste some of the water, so that his benediction should not be uttered in vain. Let him not be concerned about the danger, because "Whoso keepeth the commandment will experience no evil thing" (Eccl. viii, 5). After he drank a little he should spill out the balance.

6. If one is in doubt whether or not he said any of the benedictions, excepting Grace, he is not bound to repeat it.

7. One should say at least one hundred benedictions daily; and this law was enacted by King David. A hint to this effect is found: "Thus says the man who was raised (*al*) on high" (II. Sam. xxii, 1). The numerical value of the letters in the word *al* is one hundred. A support for this is found in the Torah: "Now, O Israel, what (*mah*) does the Lord thy God require of thee? but to fear the Lord" etc. (Deut. x, 12). Do not read *mah* (what), but read *meah* (one hundred); and these are the one hundred benedictions; by means of the benedictions uttered one will come to fear the Lord, love Him, and constantly remember Him. The curses found in Deuteronomy are ninety-eight in number, and including "Every sickness and every plague" (Deut. xxviii, 61), the number is increased to one hundred. Now the one hundred benedictions that we say daily shield us to escape these curses. On Sabbaths, Festivals

and Fast Days when the number of benedictions is diminished, the decrease is supplied by paying attention to the benedictions recited by the Reader when repeating the *'amidah*, and by the benedictions pronounced in connection with the reading of the Torah and the Prophets, after which *Amen* is to be said. The number may also be completed by the blessings said when enjoying the gifts of God.

8. Upon hearing a benediction pronounced by one's neighbor, he must say "Blessed be He and blessed be His name" at the utterance of the Name, and he must say *Amen* at the conclusion of the benediction. *Amen* means *it is true*, and therefore when saying *Amen* he should have it in mind that the contents of the benediction is true, and that he implicitly believes in it. In benedictions which also include a prayer, for instance, in the *'amidah* beginning with "Thou grantest knowledge to the man" until "He who restores his divine presence to Zion," and in the benediction "Bestow peace," the listener in responding *Amen* must have in mind the following two things: that the contents of the benediction is true, and that may it be the will of God that the prayer be answered soon. In responding *Amen* to the *kaddish*, which contains a prayer for the future only, the listener should have in mind that the prayer be answered soon.

9. If the listener is reading that portion of the prayer which he is not permitted to interrupt, he must not say "Blessed be He and blessed be His name." Also when one hears a benediction which he too may fulfil his obligation of saying it by merely listening to it, for instance the benedictions said upon the occasion of blowing the *Shofar*, or on reading the *Megilah*, he must not say "Blessed be He and blessed be His name," because such response would be an interruption in the middle of the benedictions. (The laws relating to the responding of *Amen*, when reading that portion of the prayers which must not be interrupted, will be discussed, if it please the Almighty, in Chapters XIV and XVI).

10. One must be very careful to say the word *Amen* correctly, and neither snatch the *Aleph* nor swallow the *Nun*. One should likewise be very careful not to respond *Amen* before the entire benediction is concluded, for this is termed a "snatched" *Amen*; neither should one delay in responding *Amen*, for this is called an "orphan" *Amen;* but he must respond immediately after the benediction is concluded. Nor should one raise his voice louder than the Reader, for it is said: "Oh magnify the Lord with me, and let us exalt His name together" (Ps. xxxiv, 4).

11. One need not respond *Amen* to his own benediction (except in Grace after meals, when concluding "The builder of Jerusalem"). Even if one terminates a benediction together with the Reader, he need not respond *Amen*. But if he is uttering one benediction and the Reader another, and they conclude together, he should say *Amen* after the benediction said by the Reader. One must say *Amen* upon concluding to-

gether with the Reader the benedictions "Let him be praised" (*Yishtabach*), "He guards His people Israel forever," and "Let them praise Thee" after "Halel." (For many authorities hold that even upon concluding these benedictions by himself he must say *Amen*).

CHAPTER VII.

Laws Relating to the Morning Benedictions.

1. There is a controversy between the authorities whether or not a listener must respond *Amen* to the benediction "To engage in the study of the Torah." Some hold that the benediction does not end there, but that *V'ha'arev na* is a continuation of the above and it is all one benediction; therefore no *Amen* should be responded thereto. Others hold that the benediction ends there, and that *V'ha'arev na* is another benediction, and therefore *Amen* must be responded. It is therefore necessary that one should say this benediction in silence, so that his companion should not hear it and be thrown in doubt as to whether to respond *Amen* or not.

2. The benediction "He that gives the cock understanding" should not be uttered until daylight.

3. The benediction "He that opens the eyes of the blind" may be said even by a blind person, for he is benefited by others showing him the way. If one says the benediction "He that raises the bowed down before the benediction "He that frees the captives," he need not repeat the latter, as it is included in the former; for in making the bowed down erect is included in the loosening of the members of the body.

4. After the benediction "He that removes sleep from my eyes and slumber from my eyelids," no *Amen* should be responded, as this is not the end of the benediction; since "And may it be Thy will etc." also belongs to this benediction, and the end thereof is "He that bestows kindly favors to His people Israel."

5. If one is awake the whole night, he must say in the morning all the morning benedictions except the benediction "For the washing of the hands." It is doubtful whether or not he has to say the benedictions "My God, the soul" etc. "He that takes sleep away," and the benedictions of the Law. It is therefore advisable that one be zealous in performing this precept and hear others say these benedictions and respond *Amen* thereto.

6. If one had not said all the morning benedictions before he said the prayers, he may say them thereafter, except the benediction " For the washing of the hands" (for some authorities hold that the washing of the hands in the morning was ordained primarily because of the prayers, but

when it is over there is no more need for this benediction); and except "My God, the soul" etc. (for his obligation was fulfilled by saying the benediction "Who quickenest the dead").

7. If one had not said the benedictions said before and after reading the Torah before he said the prayers, the authorities dispute whether or not he may say them after the prayers. Some hold that he should not say them, because he already fulfilled his duty (of reading these benedictions) by the reading of the prayer "With abounding love," since this prayer contains something analogous to the benedictions said at the reading the Torah since it reads "And put it into our hearts to understand and to discern, to hark, learn and teach," etc. There are others who hold that the reading of the prayer "With abounding love" does not free him from saying the benedictions said at the reading of the Torah, unless immediately after the prayers, without any interruption, he commences to study. Therefore in the first instance one should be very careful to read the benedictions said at the reading of the Torah before the prayers, but post facto, when he forgot to say the benediction before the prayers, he is bound to study some portion immediately after the prayers. If one forgot to do this also, then, since there is a doubtful decision, he need not say such benedictions any longer.

8. If one is called up to say the benediction at the reading of the Torah before he said the morning benedictions, if possible he should first read the morning benediction concerning the reading of the Torah, then read at least one verse of the Torah, for instance "May He bless thee" etc., and thereafter go up to the Torah. But if it is impossible for him to do so, then he should go up to the Torah without saying the morning benedictions. But since he once said the benediction "Who has chosen us" etc., then he must omit this benediction when saying the morning prayers, and read only as follows: "Who hast sanctified us," etc., "Make pleasant" etc., up to "His people Israel," and then say "The Lord bless thee" etc.

CHAPTER VIII.

Things Forbidden to be done from Dawn until after the Prayers.

1. As soon as it is dawn, i. e., the first light that the sun sheds in the East, since this is the time when prayers may be commenced, one is not permitted to begin any work, or commence doing any business, or start on a journey before he has prayed, as it is said: "Righteousness shall go before Him; and he shall make its footsteps a way to walk in" (Ps. lxxxv, 13). Righteousness means prayer wherein one declares his Creator to be right, and after the prayer he shall direct his footsteps on the road of his desire.

2. One is not permitted to either eat or drink before prayers, as it is said: "Ye shall not eat upon the blood" (Lev. xix, 26), which means that you shall not eat before you pray for your lives. To him who

first eats and drinks and then prays the following Scripture text applies: "And Me hast thou cast behind thy back (I Kings xiv, 9). Do not read "Gevecha" (thy back), but read 'Geecha" (thy pride): the Holy One, blessed be He, said: after this one has prided himself, he has accepted the yoke of the Kingdom of heaven. It is prohibited even to drink coffee or tea with sugar and milk. But in the case of an old or a feeble man who cannot wait for his food until the congregation come out from the synagogue, and especially so on Sabbaths and Festivals when the services are prolonged, it is proper to permit him to say the morning prayer at his home, then say *kiddush* and partake of some food. Thereafter he should go to the synagogue, listen attentively to the morning prayers of the congregation, and afterwards he must say the *Musaph* (Additional Prayers) with them. One is not permitted to drink coffee with sugar or the like, without first accepting the yoke of the heavenly kingdom, but for reasons of health one is allowed to eat and drink before prayers, because there is no sign of haughtiness in it. Likewise if one cannot concentrate his mind upon the prayers without food and drink, he may at his option eat and drink before prayers.

3. There are some authorities who hold that even if a man awakes at midnight, he is not permitted to taste anything before prayers; and it is proper to follow the stricter opinion. But if his heart is weak, he may eat and drink something to strengthen himself for the purpose of the Torah.

4. It is permitted to drink water, tea and coffee without sugar or milk before prayers, even after dawn arose, because there is no sign of haughtiness in this. This may be done even on Sabbaths and on Festivals when the *Kiddush* must be said. The reason the *Kiddush* does not prevent him from drinking the things mentioned above is because the time when *kiddush* must be said is only before a meal, and since one is not allowed to partake of food before the morning prayers are said, the time for the *Kiddush* has not yet come.

5. One is not permitted to go to his neighbor's door to salute him, and he is not even allowed to say "good morning" to him (before he prays), as it is said: "Withdraw yourselves from man, whose breath is in his nostrils; because, for what is he to be esteemed?" (Is. ii, 22), which means with what is he to be esteemed, that you have honored him before you have honored Me? But if he meets his neighbor casually, he is permitted according to law to salute him; nevertheless it is proper to alter his usual mode of speech, in order that he should bear it in mind that it is prohibited to be detained by other matters until he prays.

6. It is forbidden even to begin studying when dawn has already risen, but if he is accustomed to go regularly to the synagogue and there is no possibility that the time set for praying would pass, he is permitted to begin studying. One is likewise permitted to teach others before prayers, if the disciples will not learn at all if not then, because to favor many with the study of the Torah is a great deed; but they must be careful not to overlook the time prescribed for prayers.

CHAPTER IX.

Laws Relating to Fringes.

1. The precept relating to fringes is great, because the Scriptures weighed it and ascribed to it all the commandments, as it is said: "That ye may look upon it, and remember all the commandments of the Lord" (Num. xv, 39). The numerical value of the letters of the word *tsitsis* is six hundred, and taken together with the eight threads and five knots it makes a total of six hundred and thirteen (the number of the laws of the Torah). Therefore every Jew must be careful to wear a *talith ḳatan*, (a small fringed garment) all day. This must be made of white lamb's wool, about three-fourths of a cubit in length and half a cubit in width; others hold that it must be a cubit square. They who are accustomed to sew together the sides of the *talith ḳatan* should be careful to leave open on both sides the greater part that is visible, and it is not permitted to attach that part even by hooks. Every man should also be careful to have a big *talith* with fringes, to wrap himself in while praying, and he should be particular to possess a handsome *talith*. Every religious act must be done in the handsomest way, as it is written: "This is my God, and I will beautify Him," and it is explained to mean: Become proud before Him when performing His commandments. One must also be particular to buy his fringes from a trustworthy person, so as to be certain that they were specially spun and twined for that particular purpose in accordance with provisions of the law, and that they are of the prescribed length.

2. If one can afford to buy only a *talith* of cotton, to which no woolen fringes can be attached on account of the *shatnez* (mixed texture) law, there is one authority who holds that in such event he should make the corners of leather and to these attach woolen fringes; but another authority disagrees with this opinion.

3. The aperture into which the fringe is put in must not be far away from the edge, neither in the length nor in the width, more than three thumb-breadths, (some authorities are of the opinion that in measuring these thumbs it should be done from the short end thereof, i. e., from its top, and it is proper to follow the stricter opinion) because higher than

three thumb-breadths is no longer called corner but is the garment itself. If he made the aperture more than three thumb-breadths away from the edge, although when tying on the fringes he pulls the knot tightly and thus wrinkles up the *talith* until it comes to the prescribed distance from the edge, it is invalid. If after he put the fringe into an aperture which was further away from the edge than the prescribed limit, he enlarged the aperture so that the fringes should hang less three thumb-breadths away from the edge, it is likewise invalid, because they must be put in originally as prescribed by law, and not put in improperly and thereafter make it conform to law (the main gist of this precept is to put in the fringes properly in the place described). The aperture must not be near the edge of the garment, either in length or in width, less than what measures from the middle joint of the thumb to the end of the nail (first phalanx of the thumb), because less than that is no longer called the corner but below the corner. If the aperture was originally made at the prescribed distance, but by pulling the knot of the fringes the garment became wrinkled up and thus became less than the prescribed measure, it is nevertheless valid. It is doubtful whether or not the unwoven threads at the ends of the *talith* should be included in the above mentioned measurements or not, they must therefore be cut off before the fringes are tied on. Some people are accustomed to make two horizontal apertures, like the vowel point *tsere*, and in these two they put in the fringes, letting them hang down on the outside of the *talith*.

4. If when tying on the fringes the apertures were at the prescribed distance, but in time the apertures became enlarged or the edge of the *talith* became torn to such an extent that the fringes are no longer within the necessary distance, they are still valid, because the Torah only provides that the fringes shall not be below the corner when they are tied on, as it is said: "And they shall *make* for themselves fringes upon the corners of their garments" (Num. xv, 38). Nevertheless it is best to make a seam around the aperture and on the border of the *talith* in order that the requisite size may not be diminished.

5. It is the general custom to make five double knots in the fringes between which there are four spaces. It is done in this manner: he puts the four threads through the aperture and makes two knots; he then takes the longest thread, that is called the *shamesh*, and coils it around the threads seven times, and makes two knots; he coils it around again eight times and makes two knots; then he coils it around eleven times and makes two knots; and finally he coils it around thirteen times and makes two knots. Whereas the beauty of the fringes lies in that all the spaces should be of equal dimensions, he should therefore make the threads far apart in the first space where the number of coils is the smallest; in the second he should make them somewhat nearer, and so in the third and in the fourth. The prescribed length of the fringe, that is beginning with the

first knot to the end of the threads, must be no less than twelve thumbs breadth. For the same reason of beauty it is proper that all the spaces together be one-third of the prescribed length and the loose threads two-thirds thereof; he should therefore watch carefully that every space shall be of the size of a thumb's breadth; then all the spaces taken together will equal four thumb-breadths and the threads that remain loose will equal eight thumb-breadths in length. If the threads are longer, he should make accordingly the spaces a little larger. It is best to watch carefully to make all the knots by tying together the four threads on the one side with the four threads on the other side, so that every thread should be divided, having one-half on one side and the other half on the other side.

6. If one did not take four separate threads, but took one long thread, folded it into four, put it through the aperture, then made a knot and thereafter cut apart the threads, it is invalid, because it is written: "Thou shalt make thyself fringes" (Deut. xxii, 12), which means, you must *make* the fringes (before putting them on), and not which has already been made; i. e., it is necessary that the fringes be *put* on the garment in the manner prescribed by law, and not that they be put in unlawfully and thereafter legalized by a subsequent act, as this is considered invalid. Likewise if he put in the fringes on one garment in the manner prescribed, and the garment became torn and he desires to put them in a different garment, or even in the same garment, as when for instance the corner of the garment became torn and the fringes fell off and he desires to replace them and mend the rent up to the aperture, it is invalid for the reason stated. Likewise if he puts in the fringes in a garment which was at that time unfit for putting fringes in, as for instance when most of the sides of the garment was sewed up, and after that he opened up the seams and made the garment fit for fringes, it is invalid for the reason above stated. But in the above cases, or in case similar thereto, he must untie the fringes and put them on again as prescribed by law.

7. Before enwrapping himself in the *talith*, he should examine the fringes if they are in order and also examine the threads in the apertures and the coils, and he must separate the threads from one another that they should not be entangled. However, if he was tardy in coming to the synagogue and by spending time in examining and separating the threads he will lose his opportunity to pray together with the congregation, he may dispense with the examination and the separation.

8. Prior to the actual performance of any precept the benediction must be said, and immediately after the benediction, the precept must be performed without any interruption. Therefore one must take the *talith*

in both hands and have it in mind that the Holy One, blessed be He, commanded us to enwrap ourselves in the fringes in order that we might remember to perform all His commandments, as it is said: "That ye may look upon it and remember all the commandments of the Lord" (Num. xv, 39). Then while standing he shall say the benediction "To enwrap with the fringes," and immediately he shall enwrap his head to down below his mouth. After that he shall raise the corners of the *talith* to his neck and enwrap himself after the fashion of the Arabs, and he must remain standing like this as long as it takes to walk four cubits, while saying the verses: "How precious," etc., after this he may remove it from his head. It is proper to be careful not to let the fringes drag on the ground, as it is despising a precept; he must therefore raise them and put them under the girdle.

9. One should say the benediction on the fringes only during the day and not in the night. In the first instance one should be careful not to say the benediction before he is able to distinguish blue from white. If a man put on the small *talith* while it is still night and as a result did not say the benediction on it, or if he put it on while his hands were still unwashed and therefore did not say the benediction on it, in such event upon saying the benediction over the large *talith*, he should also have in mind the small *talith*. If a man has no large *talith*, then if he puts on the small *talith* in the daytime and his hands are washed, he shall say on it the benediction "Concerning the commandment of the fringes;" and if he puts it on when he is unable to say the benediction on it, then after that when it is already day and his hands are washed, he shall take the fringes in his hands and say the benediction: "Concerning the commandment of the fringes." If a man sleeps with his small *talith* on him, then he should not say the benediction after that at all, but upon saying the benediction on the large *talith* he shall have it in mind to include this one as well.

10. If one took off his *talith* intending to put it on immediately again, even if he went to the privy, he need not say the benediction upon putting it on again. But if he intended not to put it on immediately again, but thereafter changed his mind and did put it on again, he must then say the benediction on it. If his *talith* fell off from him unknowingly, and a part thereof still remained on his body, although most of it fell off, he need not say the benediction upon adjusting it on his body, but if nothing was left on his body, although he was holding it in his hand, he must say the benediction upon putting it on, since the intent of the precept is not to hold it in his hand but to enwrap his body with it. If this happened to him while praying and at a place where he is not permitted to interrupt,

he should not say the benediction then, but he should wait until he is able to say the benediction, then take the fringes in his hand and say the benediction.

11. It is permissible to take the *talith* belonging to anyone on a mere chance, even without his knowledge, to pray with it and say the benediction on it, because it is presumed that a man is willing that a precept should be performed with his property when there is no pecuniary loss involved in it. But it must not be taken out of the house where it is found, because the owner may object to it. If the *talith* was folded, he must leave it folded. On the Sabbath he need not fold it; since he is unable to fold it on account of the Sabbath violation involved, the owner will forgive him. If one borrows a *talith* from his companion to go up to the reading of the Torah, it is doubtful whether the *talith* benediction need be said or not. He should therefore have it in mind that it is not his intention to acquire it (even temporarily), and in such event no one disputes that the benediction need not be said. But if he takes a *talith* belonging to the congregation, even if he takes it only for the purpose of going up to the reading of the Torah, the *talith* benediction must be said, because it is considered as his property.

12. The ordinary meaning of the word "wool" mentioned either in the Torah or by the law-givers, is either lamb's or ram's wool. If the warp of the *talith* is of wool and the woof is cotton or silk or the like; or if vice versa, the woof is of wool and the warp is of another kind, the God-fearing should not say the benediction on such a *talith*, because there are some authorities who hold that even fringes of wool do not fulfill the obligation unless the *talith* be of the same kind. One is likewise not allowed to say the *talith* benediction in a silk *talith* with woolen fringes; but he must first say the benediction on a woolen *talith* and enwrap himself in it, and thereafter he may remove it and put on the silk one. However, if the fringes are also made of silk, he may say the benediction on it. If the fringes are partly of silk and partly of wool, it is still worse, and it should not be made in this manner.

13. If one of the four (doubled into eight) threads of the fringes was torn off, and there was enough left of it to make a loop therewith, which is the size of four thumb-breadths, or even if two threads were torn off and there was left of each four thumb-breadths, but the other threads are perfect, such fringes are valid. But in the event three threads were torn off, even if there were four thumb-breadths left of each and the fourth one is perfect; or in the event only one thread was torn off but there was no thumb's breadth left thereof, even if the remaining threads are perfect, in these cases the fringes are rendered unfit. Therefore if one of the eight threads that are hanging down was torn off, even if it was entirely torn

off to the very links, it is valid beyond doubt, since this is in reality but one half of the thread, and of the other half there is still enough left to make a loop therewith and even more than that. If two of the threads were torn off and there were not left of each four thumb-breadths, the fringes are rendered unfit, since it is possible that the two torn threads belong to one and the same thread. But if he is certain that these torn threads belong to two different threads, as for instance when t ying them on he was careful to always tie the four ends of the one side with the four ends of the other side (never mixing them up), and now the two threads that were torn off are both on one side of the knot, if so, these two threads surely belong to two of the four, and inasmuch as there is still left of each thread the size of four thumb-breadths or more on the other side of the knot, and the other two threads are perfect, the fringes are still considered valid. If one of the threads is torn where it is inserted in the aperture, the fringes are rendered unfit thereby. The law stated above, that if one thread is torn off and there is enough left of it to make a loop therewith the fringes are fit, applies only to a case where all the threads were of the prescribed length when originally put in, and it happened thereafter that they were torn off; but if at the time of putting the fringes in there was even one of the threads shorter than the prescribed length, no matter to what extent, the fringes are unfit for the purpose.

14. The threads of the fringes must be twisted, and if any thread became untwisted, the untwisted part is then considered as entirely cut off and as out of existence.

15. There is at times a *talith* with fringes in it which consists of two separate and distinct parts, as is the case with many of the *talithim* of the present time that they are made up of two separate parts. Occasionally it happens that such a *talith* is taken apart for the purpose of washing it or mending it and after that it is joined again by means of a seam. Since there is ordinarily sufficient in each of the parts to enwrap one's self therewith, then in such event it is enough if he removes two fringes from any part he desires, and after he joins the two parts he should put them in again. But if each part in and for itself is not sufficient for one to wrap himself in it, he must then remove the fringes from both parts. If one part is large enough for wrapping in and the other one is not, then he should remove the fringes from that part which is sufficient for wrapping up.

16. If the corner of the *talith* was either cut off or torn off and was entirely severed from the *talith*, and the piece thus severed does not measure three thumb-breadths square, in such event there are some authorities who hold that even if it was sewn well to the *talith* it is unfit to put the fringes therein, since the detached piece, not measuring three thumb

breadths square cannot legally be called "garment", and after it was attached to the *talith* it is considered in the eyes of the law as still severed. And it is proper to follow the stricter opinion. But if it was not entirely severed from the *talith*, since it remained attached, no matter how little, the sewing it on has the effect of making it a part and parcel of the *talith* itself, and the fringes put in after it was sewed on are valid. It is customary to sew on a piece of cloth at the corners of the *talith*, because there are many garments, even new ones, which consist of several pieces attached together which do not measure three thumb-breadths square, therefore we put on a piece of three thumb-breadths square in the place where the fringes are put in.

17. There are some authorities who hold that in the entire space of the corner wherein it is suitable to put the fringes, i. e., from a full first phalanx of the thumb from the edge of the *talith* to three thumb-breadths, there should not be found a seam, even to the smallest extent, made of the same thread which is suitable for the fringes of this particular *talith*. For instanc, if the talith is of flax, he shall not sew in that place with flax threads, only with silk threads or the like; if the *talith* is of silk, he shall not sew in this place with silk threads; and if the *talith* is of wool, he shall not sew there with woolen threads, but with silk threads or the like. It is proper to strictly regard this law also concerning the seam which is made around the aperture to strengthen it. All these laws have application only to a case where white thread is used, but if it is colored thread, it is not to be considered.

18. If one desires to remove the fringes from the *talith* in order to replace them with better ones, or because one of the threads was torn off and he desires to put in perfect ones, although the first ones are still fit, all this is permissible since he does not permit the *talith* to remain without fringes, and on the contrary, he will put in better fringes. But let him be careful not to throw out the first ones into any contemptible place.

19. Even fringes that fell off and were removed from the *talith* must not be thrown into a rubbish heap, because it is forbidden to despise a precept. Some people are particular to hide such fringes in a book and to make a book mark out of them, because, since a holy precept was once performed therewith, let another precept be performed with them. One must not make any unworthy use of an old *talith* which he does not use any longer for the performance of any precept.

20. If one, upon entering the synagogue on the Sabbath, discovers that one of the fringes was rendered unfit, and he is unable to procure another *talith*, and he feels embarrassed to remain seated there without a *talith*, since it is impossible on this day to tie on another fringe in its stead, he may then, because of respect for the people, put on the *talith*, as it is, but not say the benediction. The above rule of law applies only to a

case where he had no knowledge before the Sabbath that it has become unfit, but if he was then aware of it, he is not permitted to put it on, as he should have put it in order the day before.

21. He who puts on a garment, in which the fringes should be put, and he neglects to do so, is guilty of violating the positive law of the Torah. It is necessary to take care regarding some garments which are made in the fashion of having four corners, that one of these corners be entirely cut off and made round (instead of square); but he does not remedy it by simply folding up one corner and sewing it on, for as long as it was not cut off it is still considered as a part of the garment. Severe is the punishment of the one who neglects the performance of the precept of fringes. He who is scrupulous in performing such precept will be worthy of beholding the Divine Presence.

CHAPTER X.

Laws Relating to the Tephilin.

1. The precept regarding the *tephilin* is also very important, because the whole Torah is compared with the *tephilin*, as it is said: "In order that the law of the Lord may be in thy mouth" (Ex. xiii, 9). He who does not put on the *tephilin* is reckoned among those transgressors in Israel who sin with their bodies (because they refuse to subjugate their bodies to the worship of the Lord). He who puts on defective *tephilin*, not only is he guilty of failing to observe the precept, but also of uttering many benedictions in vain, which constitutes a grave crime. Therefore one must be careful to buy the *tephilin* from a competent and God-fearing scribe. He should also buy the straps from a trustworthy person to make certain that they were prepared for this particular purpose from pure skin. But due to our numerous sins, this stumbling-block is increasing, in that people buy *tephilin* and straps from anybody because they sell it cheaply, but in reality they are unfit. Every God-fearing man should consider this: if he is extravagant with his clothes and vessels so that they be of the right kind, how much more should he be so with the objects required by God, blessed be His name. He shall not economize and he shall not worry about his money but shall buy them only when certain that they are fit, although the price may be high. One should always take care that the *tephilin* shall be in proper condition and that the capsules and the straps are black. It is proper to smear the straps with oil so that they be always black. If the *tephilin* become defective, even in a very slight degree, or if the sewing becomes undone, he should immediately inquire of a sage if they are still fit. One must particularly be careful regarding the edges of the capsules, and especially so with the edges of the one for the head, because these generally become rubbed off and form holes thereon, as a result of which they are rendered unfit. It is likewise customary that some part of the upper skin of the one for the head becomes separated, as a re-

sult whereof it becomes unfit. It is important that great care be taken regarding the foregoing. The one who is careful in performing the precept of the *tephilin* and treats them with sanctity, his days will be prolonged and he is certain of having a share in the world to come; because it is said: "O Lord, by these things men will live and in all these things is the life of my spirit; so wilt thou give me health and cause me to live" (Is. xxviii, 16). The word *tephilin* has the significance of judgment and conviction, because the *tephilin* are evidence and convincing proof that the Divine Presence rests on us, as it is written: "And all the nations of the earth shall see that thou art called by the name of the Lord" (Deut. xxviii, 10); and our Rabbis, of blessed memory, explained that this refers to the *tephilin* of the head, upon which there is the letter *shin* from the word *shaddai* (Almighty). Therefore it is forbidden to totally cover the *tephilin* of the head with the *talith*.

2. The time for putting on the *tephilin* in the morning begins from the time a man can recognize his neighbor with whom he is slightly acquainted at a distance of four cubits. The *tephilin* are put on after the *talith*. The reason the fringes have preference over the *tephilin* is because the precept of the fringes is more constant, as it is to be observed on week days, Sabbaths and holidays, while the precept of the *tephilin* is to be observed on week days only, and this rule is well established, that between the constant and the inconstant, the constant has preference. But if it happens that one first gets the *tephilin*, although they are still in the bag, he must put them on first and thereafter enwrap himself in the *talith*, because a precept must not be passed by unnoticed, and it is written: "And you shall observe the *matzoth*," read it *mitzvoth* (commandments); i. e., if an opportunity of doing a religious act presents itself, do not allow it to become sour by delaying its performance.

3. It is written: "And it shall be for a sign upon thy hand (*yadcha*)" which the letter *he* at the end (Ex. xiii, 16). Our Rabbis, of blessed memory, said that this means the *yad kehah*, the left hand which is weaker and feebler. He must put it there on the elevated part of the biceps, as it is written: "Therefore shall ye lay up these my words in your heart" (Deut. xi, 18), that it shall be put opposite the heart. Therefore he must place it in the place mentioned and he shall make it incline slightly towards the side, so that when he lets his arm down, it (the *tephilin*) should be opposite his heart. It is written regarding the *tephilin* of the head: "Between your eyes" (ibid, ibid), and our Rabbis, of blessed memory, received it by tradition that it does not literally mean between the eyes but it means midway between the eyes. And its place begins from

where the hair begins to grow and continues upward to the place where the child's skull is soft, that is that the lower part of the bridge (of the *tephilin*) shall not be lower than the place where the hair begins to grow, and the upper end of the bridge shall not be higher than the place where a child's skull is soft. It is important to be very careful that the *tephilin* of the head shall lie in its proper place. Even if only a small part of it is on the forehead where the hair does not grow, or if it inclines to the side and is not exactly midway between the eyes, the precept is not fulfilled, and the benediction is pronounced in vain. The knot must be placed on the back of the head above the nape of the neck where the skull ends, in the place of the hair which is opposite the face, and it must not incline either towards one side or the other. It must be fastened on the head, and when the capsules and the bridge are wide it is difficult to have it tightened properly; it is therefore necessary to be careful regarding this matter.

4. The *tephilin* must be put on while standing. One shall not shake out the *tephilin* from the bag, because he slights thereby a religious act, but he must take them out with his hand. He first puts on the one of the hand, and before tightening the knot he says the benediction "To put on the *tephilin*." He then tightens the knots and makes seven coils on his forearm, and thereafter he immediately puts on the one of the head, and before he tightens it on his head he says the benediction "Concerning the commandment of the *tephilin*. He then tightens it on his head and says: "Blessed be His glorious kingdom from everlasting to everlasting." The reason he has to say the last mentioned verse is because there is a slight doubt concerning this benediction, and because of such doubt it is also doubtful whether or not the listener is bound to respond *amen*. To me it would seem therefore that this benediction should be said silently. After he puts on the *tephilin* of the head he shall make three coils on the middle finger, one around the middle phalanx and two around the lower phalanx.

5. Even if it happened that one took out from the bag the one of the head first, he should leave it go unnoticed, put it away, cover it with something, and put the one on the hand first. Since the preference of the one of the hand over the one of the head is ordained by the Torah, as it is written: "And thou shalt bind for a sign upon thy hand, and they shall be as frontlets between thy eyes" (Deut. vi, 8), therefore we are not

concerned with the law prohibiting the neglect of performing a religious act (by not putting on the *tephilin* when taken out) in this case.

6. There should not be anything intervening between the flesh and the *tephilin*, and it makes no difference whether it is the one of the hand or the one of the head. Short hair, however, is not considered as a separation since it is customary for people to have it on. As relates to those who grow locks, not only does this constitute a violation because it denotes pride and haughtiness, but it is likewise prohibited because it prevents the *tephilin* from being put on as prescribed, inasmuch as they grow long they constitute an intervention.

7. Care must be taken that the knot of the *tephilin* of the hand should not be shifted from the capsule (even when in the bag), and the *yod* of the knot shall always be facing the heart. The bridge in which the strap is inserted shall be upward and the capsule downward. In the case of emergency, for instance in the case of a left-handed person who generally puts on the *tephilin* on the right, and now he has no *tephilin* of his own and can borrow them only from a person who puts them on the left, and he is unable to change the knot, and if he should put it on in this manner (with the bridge upward and the capsule downward), the *yod* and the knot will be facing outward. In such case he may invert it, and put it on with the bridge being downward and the capsule upward, in order that the *yod* and the knot shall be facing the heart.

8. One is not permitted to interrupt by conversation between putting on the *tephilin* of the hand and the one of the head. It is even prohibited to wink with the eyes or make motions with the hands, for it is said: "And it shall be unto thee for a sign upon thy hand and as a remembrance between thy eyes" (Exodus xiii, 9), it is necessary that the remembrance should be instantaneous between the *tephilin* of the hand and and the one of the head, in order that both of them should constitute one entirety. Even if one hears *ḳaddish* or *ḳ'dushah*, he shall not interrupt, but should keep silent and pay attention to what the congregation is saying. If, however, he hears someone else say the benediction, "To put on the *tephilin*," he may respond *amen* thereto, because *amen* is a corroboration that he believes in the precept of the *tephilin;* this therefore is not an interruption, but is one entirety. When putting on *tephilin* in conformity with the view of Rabbenu Tam, it is likewise prohibited to interrupt between putting on the *tephilin* of the hand and the one of the head; but it is permitted to interrupt with responding to *ḳaddish* or *ḳedushah*.

9. If by error one did interrupt, he shall touch the *tephilin* on the hand, say again the benediction, "To put on the *tephilin*," make the knot tight, and thereafter put the *tephilin* on the head and say the necessary benediction. If the interruption was made for the need of the *tephilin*, he need not say the benediction, "To put on the *tephilin*" again.

10. When one puts on the *tephilin* he must reflect that the Holy One, blessed be He, commanded us to put on the *tephilin* which contain four sections, wherein is written the unity of His blessed name, and the exodus of the land of Egypt. They are put on the arm opposite the heart and on the head near the brain, in order that we should always remember the miracles and wonders that He has wrought with us, which signify His unity; that to Him belongs power and dominion over those above and below, who can do with them as He pleases; that he shall submit to Him his soul which is in the brain and also the heart which is the main seat of all longings and thoughts. By means of this he will be mindful of the Creator and restrict his pleasures, and he will fulfill that which is written: "And that ye seek not after (after the inclination of) your own heart and (the delight of) your own eyes" (Numb. xv, 39). This is the reason why it is written concerning the *tephilin* "Between thine eyes."

11. The *tephilin* of the hand and of the head are two separate and distinct precepts, and the non-ability to observe one does not prevent the performance of the other. Therefore if one has only one *tephilah* available, or if by reason of some accident he is able to put on only one, he is bound to put that one on. If it be the one for the hand, only the benediction "To put on the tephilin" is said; but if it be the one for the head, then he must say both benedictions; "To put on the *tephilin*," and "Concerning the commandment of the *tephilin*," and also "Blessed be the name of His glorious kingdom for ever and ever."

12. A real left-handed person, although he has become left-handed by mere habit, must put on the *tephilin* on his left hand which is everybody else's right. If all work be done with his right hand except writing, or vice-versa, then the hand with which he writes is considered the right one, and the *tephilin* is placed on the other. An ambidextrous man puts on the *tephilin* on the hand which is everybody else's left. A man who, not born left-handed, accustomed himself to write with the left but does all his work with the right hand, must put on the *tephilin* on the hand which is everybody's left.

13. The prescribed width of the straps whether belonging to the tephilin of the head or of the hand is no less than the length of a barley. The prescribed length for the straps for the head, both for the right and the left, is up to the navel, or a trifle above that. There is an opinion that holds that the strap on the right hand side should reach up to the place of circumcision. And it is proper to follow this stricter view in the first instance. The prescribed length for the strap of the hand is that he should be able to make therewith seven coils upon the arm, three windings upon the middle finger and enough left to tighten it. If the strap is torn, whether it be of the head or of the hand, he should consult the wise.

14. Care must be taken that the strap should be with their black side out. If it happens that the strap around his hand or his head was in-

verted accidentally, he must then either fast or redeem himself with giving alms. And if the *tephilin* when not in the bag fell down to the ground, he must likewise fast. But if they fell down whilst in the bag, he need not fast, but he must give some alms.

15. If one has taken off the *tephilin* in order to go to the lavatory, when he puts them on thereafter again, he must say the benediction. But if he then left off in the midst of the benedictions belonging to the *sh'ma*, i. e., from the benediction "Who forms the light" and further, he must not interrupt with the benediction of the *tephilin*; but he must wait till after the reading of the *'amidah*, then he should touch the *tephilin* and say the benediction over them.

16. As long as one has the *tephilin* on, his attention must not be diverted from them even for a moment, except during the prayer of the *'amidah* and while studying the Torah. It is prohibited to eat a substantial meal while wearing the *tephilin*, but casual refreshments is permitted to be had. Sleeping, even for a little while, is prohibited while wearing the *tephilin*.

17. A man must feel the *tephilin* whenever he thinks about them, because by this means his attention will never be diverted from them. He should first touch the *tephilin* of the hand and then the one of the head. It is a beautiful custom to touch them when he mentions the precept concerning them in the reading of the *sh'ma*. When he says: "And thou shalt bind them for a sign upon thy hand" (Deut. vi, 8), he must touch the *tephilin* of the hand and kiss (the thing with which he touched it), and when he says: "And they shall be as frontlets between thy eyes," he should touch the *tephilin* for the head and kiss (that with which he touched it).

18. Holy things may be promoted (in the degree of their sanctity) but not demoted, and as the *tephilin* of the head possesses more sanctity than the *tephilin* of the hand, because it contains four portions and the letter *shin*, therefore the strap that belonged to the former may not be used for the latter, but the strap that belonged to the latter may be used for the former. If the strap above the knot was broken and he now wants to reverse it and make the knot out of the lower end of the strap, it is prohibited; but he must make the knot at the place it was broken off. Also concerning the strap of the *tephilin* of the head it is prohibited to make any other use of that portion of the strap which formed the knot. A bag which was made for the purpose of keeping the *tephilin* therein, and it was actually used for that purpose, must not be used for any unholy purpose.

19. The *tephilin* should not be taken off until after the *kedusha* in the prayer "And a redeemer shall come to Zion", when saying "May it be Thy will, O Lord . . . . that we may keep thy statutes." But in such places where it is customary that on the day the Torah is read, the Holy

scroll is not replaced in the Ark, until after the prayer, "And a redeemer shall come," the *tephilin* should not be taken off before the holy scroll is returned to the ark. A hint to this is found: "And their king passeth on before them, and the Lord at their head" (Micah ii, 13). If there is a circumcision in the synagogue, the *tephilin* should be kept on until the circumcision is over. The *tephilin* should be taken off before the additional service on New-moon day; on the Intermediate Days of the Feast of Tabernacles the *tephilin* should be taken off before *hallel;* but on the Intermediate Days of Passover, the congregation should take off the *tephilin* before *hallel* and the Reader after *hallel.*

20. The *tephilin* should be removed while standing. First he should unwind the coils around the middle finger and two or three coils from the around the arm, then remove the *tephilin* of the head and finally the *tephilin* of the hand, because it is written "And they shall be as frontlets between thy eyes," and our Rabbis, of blessed memory, explained that because it is writen in the plural "And they shall be" it signifies that as long as it is midway between the eyes there must always be the two *tephilin* on. Therefore we put on first the one on the hand and we take off first the one on the head so that whenever the head *tephilin* is on the hand *tephilin* should also be on. It is proper to remove the *tephilin* from the head with the left hand, which is the weak one, in order to make it appear that he is reluctant to remove it; for in reality we should wear the *tephilin* the whole day, but for the reason that our bodies are impure we take them off immediately after we are through praying. One should not remove the *tephilin* in the presence of the holy scroll, nor in the presence of his Rabbi, but he must in such case turn aside and remove them. It is a custom of the sages to kiss the *tephilin* when putting them on and when taking them off. The *talith* should not be taken off before the *tephilin* are removed.

21. The *tephilin* must be placed in their bag in such manner as one could be certain the following day of taking out the *tephilin* of the hand first. It is not permitted to place the *tephilin* of the hand on the top of the one of the head, since the sanctity of the latter is superior to that of the former, but they must be placed side by side. The bag containing the *tephilin* should be placed beneath in the bag of the *talith*, and the *talith* above it, so that the *talith* is first to hand.

22. When one has no *tephilin* and the congregation is praying, he should wait till the end of the service and borrow *tephilin* from somebody else, so that he can read the *sh'ma* and the *'amidah* with the *tephilin* on, rather than pray with the congregation having no *tephilin* on. If he is afraid that by waiting for the *tephilin* the time limitation for the reading of the *sh'ma* will be over, he should then read the *sh'ma* without *tephilin.* If he fears that the time limitation for praying will likewise be over, he

should also pray without having *tephilin* on. But upon obtaining *tephilin* thereafter, he should put them on saying the necessary benedictions, then recite some Psalms, or put them on at the afternoon service (*Mincha*). The night is not the appropriate time for *tephilin*, therefore it is forbidden to put them on in the night. It is permissable to take another man's *tephilin* even without his knowledge, put them on and say the benedictions. (As is provided in Chapter IX, xvii, supra, relating to the law of the *talith*).

23. The *tephilin* require that the body should be kept clean; therefore one should be careful not to let off wind while he has them on. One who is suffering with diarrhea, although he has no actual pain, is exempt from putting on the *tephilin*, since he is unable to properly keep himself clean. If he is under the impression that he would be able to keep his body clean during the reading of the *sh'ma* or the *'amidah*, he may then put them on. As relates to any other patient, if he suffers pain and his mind is disturbed on account of such pain, he is exempted from putting them on, because it is forbidden to divert one's attention from them; if not, he is bound to put them on.

24. The father of a minor (below thirteen) who knows how to take care of *tephilin*, not to let off wind or sleep while having them on, must provide him with *tephilin* so that he may put them on. Nowadays there is a prevalent custom that a minor begins putting on *tephilin* two or three months before he becomes thirteen years old.

25. As regards the putting on of the *tephilin* on the Intermediate Days of Festivals, there is a controversy among the authorities and divergent customs. There are some places where they have adopted the opinion of those authorities who hold that no *tephilin* should be put on during those days. In other places they follow the view of those authorities who hold that *tephilin* should be put on, but that the benedictions should not be pronounced loudly at the synagogue as is done on week days. In some places they have made it a custom not to say the benedictions at all (but he should have it in mind that if the Intermediate Days of the Festival is not the appropriate time for *tephilin*, they be considered merely as ordinary straps). And although no benediction is said, he is not allowed to interrupt (by talking or otherwise) between the time of putting on the *tephilin* on the hand and the one of the head, but for *ḳaddish* and *ḳ'dushah* he may interrupt. Care should be taken that among those who pray in one synagogue there should not be some who put on the *tephilin* and some who do not.

26. *Tephilin*, known to be legally perfect, as long as the capsules are perfect, the written parchments are pursuant to law likewise presumed to be perfect and need no examination. Nevertheless it is proper to have

them examined occasionally, because they at times become imperfect on account of perspiration. If the *tephilin* are used only occasionally, they require an examination twice in seven years, because there is danger that they might have become mouldy. If the capsule was torn, the parchments likewise need an examination. The same applies to a case where they fell into water. However, if there is no competent man handy who is able to examine them and sew them up again, he should put them on without having them examined, in order not to neglect the performance of the precept relating to *tephilin*, but should not say the benedictions.

CHAPTER XI.

Laws Relating to the Mezuzah.

1. It is a positive command to affix the *mezuzah* on every door. Even if one has many rooms, and in every room there are many doors made for entrance and exit, all must have *mezuzoth* on them, although only one door is ordinarily used. Even if the number of tenants was reduced and only one door is used, nevertheless all doors require *mezuzoth.* If there is a door which was made for the purpose of bringing in goods occasionally, and there is another door for entrance and exit, then the door made only for bringing in goods requires no *mezuzah.*

2. Also the gates of courts, alleys, cities and provinces must be provided with *mezuzahs*, as it is written: "And upon thy gates" (Deut. vi, 9).

3. It is necessary to affix the *Mezuzah* on the right side of the entrance, and if it is affixed on the left side, it is invalid, and it should be removed and affixed on the right hand side, and the benediction must be pronounced (upon affixing it again.) And it is immaterial in this respect whether one is left-handed or not.

4. If there are two houses each of which has a door opening either to the street or to a court, and there is also a door in the partition wall, and it is doubtful on which side of this door the *mezuzah* is to be affixed, in such cases we are to be guided by the hinges of the door, i. e., in the place where the hinges are affixed and into which the door opens and leads to is the main part of the house, and the *mezuzah* is accordingly affixed on the right side where one enters. This rule applies only to a case where the two houses are used alike, but if there is one house which is

mainly used, then we are not guided by the position of the hinges. In such cases the *mezuzah* is always affixed to the right side of the entrance to the house which is chiefly used, even if the door opened directly into the other house.

5. The place where the *mezuzah* is to be affixed is beginning with the upper third of the height of the door. If one affixed it higher than this limit it is valid, providing he made it one hand-breadth distant from the upper door-post. But if he affixed it lower than the upper one-third, it is invalid, and he most remove it and affix it in the proper place and say the necessary benediction. If he placed it above the hand-breadth limit, it must be removed and affixed to the proper place without saying the benediction. It is proper to affix it in the outside hand-breadth space of the door-post but if one does not follow this, it does not matter.

6. How should one affix the *mezuzah*? Let him roll the parchment from the bottom to the top, i. e. from the last word *echad* (one) towards the first word *sh'ma* (hear); then let him put it in a tube or something else, and fasten it with nails on the door-post diagonally, having the top containing the first word *sh'ma* towards the house, and the last line towards the outside. If the door-post is not wide enough, let him place it perpendicularly. If he did not fasten it but he simply suspended it, it is invalid. It is therefore necessary to fasten it with nails at the top as well as at the bottom, so that it should not remain suspended.

7. Before affixing the *mezuzah*, he should say the benediction: "Blessed art thou . . . who hast commanded us to affix the *mezuzah*." If he has to affix many *mezuzoth* one benediction suffices for all of them. If the *mezuzah* fell down by itself and he affixed it again, he must say the necessary benediction, but if he removed it in order to examine it, it is doubtful whether or not he need say the benediction.

8. In some courts there is a small door by the big gate. Through the small door people come in and go out, while the big gate is used only occasionally. Since these are two separate entrances, and between them there is a post one hand-breadth wide, they require two *mezuzoth*.

9. In a place where there is danger that thieves would steal the *mezuzah*, then if possible he should make a cavity in the door-post and place the *mezuzah* therein, but the cavity must not be made more than

one hand-breadth deep, because then it would not be "on the door-post of thy house" but in the door-post, and it is invalid. Again it is necessary that he be careful to make some mark where the *mezuzah* is placed. If it is impossible to make a cavity in the door-post, he may affix it inside the house behind the door, but it must be on the door-post and not on the wall. It must not be affixed more than a hand-breadth away from the opening of the door, because it is then invalid.

10. A house requires a *mezuzah* only when it measures no less than four cubits. If it is not of the above dimension but is nevertheless of the same area, as for instance when the width is less than four cubits but its length is more than four cubits, or when the structure is round, and the space is four cubits square, then some authorities hold that it requires a *mezuzah*, while others hold that no *mezuzah* is necessary.

11. Only such doors need a *mezuzah* which have two door-posts at least ten hand-breadths high, and an upper door-post above them. Even if the door-posts are not made of special wood or stone, but the walls of the structure themselves form the door-posts and above them is the ceiling, a *mezuzah* must be affixed thereto. If the house has only one door-post, for instance where on one side the wall extends beyond the door, like this , then if the door-post is to the left side of the entrance, no *mezuzah* is needed; if the door-post is on the right side of the entrance, it is doubtful whether a *mezuzah* is required. In such case he should either affix the *mezuzah* without saying the benediction, or he should affix the doubtful one after he first affixes one that is not doubtful, and by saying the benediction over the latter the former is exempt. (Vide xi, 7, supra). This rule of law applies to all doubtful cases.

12. If there are two door-posts but no upper door-post above them, for instance when there is a vault like an arrow above them, or even if there are no door-posts only the vault itself begins from the ground (forming the entrance), then if it is ten hand-breadths high and four hand-breadths wide, a *mezuzah* is required. In the case of stores where they make one door-post reaching from the ground to the upper door-post, and the other door-post does not reach to the upper door-post but they make the wall protrude to about a cubit or more, like this then if the door-post which reaches to the upper door-post is to the right of the entrance, the *mezuzah* should be affixed to this door-post; and if the lower door-post is to the right of the entrance, then if it is ten hand-breadths high the *mezuzah* should be affixed to it, but if it is not ten hand-breadths high, it should be affixed to the wider part.

13. There are some authorities who hold that even if the entrance has no doors it needs a *mezuzah*, and there are others who hold that there must be a door. Therefore the *mezuzah* should not be affixed before the

door is put in. But one shall not first affix the *mezuzah* and thereafter put in the door, because it is required that a precept be performed on an occasion already created, and not that the act of the precept be performed first and thereafter the occasion for it be created.

14. A house not used for a permanent residence needs no *mezuzah*. Therefore a booth made for the Feast of the Tabernacles requires no *mezuzah* during the days of the Feast. Stores erected to be used during the days of a bazaar, which are either taken apart thereafter or remain entirely unoccupied, likewise need no *mezuzah*. But stores which are permanently occupied with merchandise do need a *mezuzah*.

15. A corridor which has three walls with a ceiling above them, and the fourth side is open, although it has two columns resembling an entrance, requires no *mezuzah*, because these columns were not made for door-posts but simply to support the ceiling. But if it has a partition on the fourth side also, although the partition is low and does not reach to the ceiling, or even if the partition is made up of windows, a *mezuzah* is required.

16. A gate-house, that is, a small hut by the gate in which the watchman stays, or a porch which is used as an entrance to an attic, a garden hut, and a shed, all these require no *mezuzah*, because they are not used as residences. But if a house requiring a *mezuzah* opens into one of the above structures or into the corridor, a *mezuzah* must also be affixed to the door leading to the public thoroughfare. Therefore the gates of courts, alleys, provinces and towns require a *mezuzah*, since houses requiring *mezuzoth* open into them. Even if there are ten houses opening into one another, if the inner one requires a *mezuzah*, a *mezuzah* must be affixed to all of them (although the nine outer ones require no *mezuzoth* by law). Therefore a gate opening from a garden house into a court does require a *mezuzah*. There are some authorities who hold that a gate-house and a porch require a *mezuzah* even if there is no house opening into them. It is therefore proper to affix the *mezuzah* without saying the benediction.

17. Bath-houses, tanneries and immersion houses (containing tanks for purification), require no *mezuzah*, since they are not respectable dwellings. But stables, chicken houses (where fowl are raised), barns,

wood-bins, wine-cellars or cellars where other kinds of beverages are kept, provided they have the required measurements so that they may be termed houses, require a *mezuzah*. There are some authorities who hold that these need no *mezuzah*.

18. In places where children are found, or in such places where at times they wash themselves or urinate, the *mezuzah* should be covered. When the above practices are only occasional, covering suffices, but when a place for disgraceful usages is established near the *mezuzah*, for instance when a vessel for urination is placed there, covering the *mezuzah* does not suffice.

19. A house or a court in which heathens as well as Israelites dwell is exempt from a *mezuzah*.

20. If a cellar has doors and door-posts lying in the ground, it requires no *mezuzah*, for the term door-post is applicable only to one that stands erect.

21. If a man hires a house outside of Palestine, it needs no *mezuzah* for the first thirty days, because it is not considered a permanent dwelling.

22. If one moves from a house which another Israelite is to occupy, he shall not remove the *mezuzoth*, but must leave them there and the latter should pay for them.

23. It is the duty of every man to be very careful in performing the precept of the *mezuzah*, because it is an obligation devolving upon all. Whenever one comes in and goes out he is confronted with His name, the name of the Holy one, blessed be He, and remembering His love, he will awake from his sleep and will cease going astray after the vanities of the time. He will then become aware that there is nothing in this world enduring for all eternities except the knowledge of the Rock of the world, and he will at once repent and walk in the path of the righteous. Our Rabbis, of blessed memory, said: "He who has *tephilin* on his head and on his arm, fringes in his garment, and a *mezuzah* upon his door, will not sin, because he has many reminders; and these are the very angels who save him from sin, as it is written: "The angel of the Lord encampeth round about those who fear Him, and delivereth them" (Ps. xxxiv, 8). Our Rabbis, of blessed memory, said again: For the crime of not observing the precept of the *mezuzah*, his sons and daughters will die while yet in their infancy; but he who strictly observes it, his children will prolong their days, for it is said: "That your days may be multiplied, and the days of your children" (Deut. xi, 21).

24. Because the object of the *mezuzah* is to remind the man of His name, blessed be He, therefore upon leaving the house and upon entering it, he should kiss the *mezuzah*. But he is not permitted to put his hand on the *mezuzah* proper, but he shall be careful to have a piece of glass over the Name (Shaddai), and upon leaving the house and putting his hand on the *mezuzah*, he should say: "The Lord is my keeper, the Lord is the shade upon my right hand; the Lord shall preserve my going out and my coming in from this time forth and even for evermore" (Ps. cxxi, 4, 5, 8).

25. The *mezuzah* of a private person should be examined twice in seven years, but that belonging to many should be examined only twice in a jubilee (fifty years).

CHAPTER XII.

Laws Relating to the Preparing of the Body for Prayer, and the Places Suitable for Praying Purposes.

1. It is written: "Prepare to meet thy God, O Israel" (Amos iv, 12), of which the interpretation is: that one should prepare himself before the Name, blessed be He, and put on decent garments when going to pray, just as he would have done if he would have to meet an esteemed prince. Even when praying privately in his house, he must put on the proper apparel. In places where it is customary to wear sashes, one is not permitted to pray before girding himself.

2. It is proper to give some alms before praying, as it is written: "As for me, in righteousness shall I behold thy face" (Ps. xvii, 15), and one should also obligate himself to abide by the command: "And thou shalt love thy neighbor as thyself" (Lev. xix, 18), and he shall have it in mind to love every Jew as he loves himself. For, if there is, God forbid, discord in the hearts of Israel on earth, there is no harmony above. Unity of the people on earth causes unity and attachment of their souls above, and through this their prayers also become one, and then when their prayers unite into one they are acceptable before Him, blessed be His name.

3. It is written: "Watch thy feet when thou goest to the house of God" (Ecc. iv, 17), and our Rabbis, of blessed memory, explained that this refers to the cavities that are near the feet. Therefore it is the duty of every man to examine himself before prayer whether he needs to ease

himself or not. If one even feels the slightest need for easing himself, he is not permitted to pray, neither is he permitted to study the Torah as long as his body is impure. If one did pray at the time when he needed to ease himself, then if he feels that he can abstain himself for the length of time within which one can walk a parasang (about one hour and a quarter), his prayer is considered as favorable, but if he is unable to abstain himself for that length of time, his prayer is a mere abomination, and he must pray over again. There are some authorities who hold that if one can abstain himself for the length of time above mentioned, he may start praying in the first instance. One may rely on the latter decision in the event that when easing himself the time limit set for prayer will have passed.

4. If one is certain that he could not abstain from letting off wind before finishing the reading of the *sh'ma* or the prayer, it is preferable that he allows the time limit set for the *sh'ma* and prayer to pass, than pray with an impure body. If the time for prayer is over in this case, then he is considered as the victim of an accident (and he may complete the prayer, as provided in Chapter xxi, infra). If one thinks that he can abstain himself during the time of the reading of the *sh'ma*, he should put on the *tephilin* when finishing the benediction "Who hast chosen Thy people Israel in love" before the *sh'ma*, and say the necessary benediction for the *tephilin*.

5. One must wash his hands up to the wrist before prayer. Therefore although he washed his hands in the morning (as provided in Chapter ii, supra), if he thereafter touched with his hands some unclean spot, e. g., when he touched the usually covered spots of the body where at times there are found drops of perspiration, or when he scratched his head, or if he did not wash his hands in the morning up to the wrist, then he must wash them again before prayer. If there is no water available, he must look for it; he must walk four miles forward (when on a journey) to look for water (if need be), and one mile backward for the same purpose. If he fears that by his endeavors to get some water the time limit set for prayer will pass, he may clean his hands with pebbles or with dirt, or with any other substance that cleans, and he may pray; for it is written: "I will wash in innocence (with cleanliness) my hands" etc. (Ps. xxvi, 6). That is to say: I will wash with water if possible, and if not with *nikoyon* any substance that cleans.

6. If one washed his hands properly in the morning, and he does not know whether or not his hands became soiled with something, then since his attention became diverted in the meantime, he must wash his hands again for the purpose of praying. Even if he studied between the morning wash and his prayer, it constitutes a diversion of mind, (and the above law applies). In this case, however, he need not necessarily go

searching for water. For if there is none available on hand, and by making an endeavor to obtain some he will miss the prayer with the congregation, he should not search for it, but should clean his hands with any substance that cleans, and pray with the congregation.

7. One must always endeavor and make an effort to pray with the congregation, for it is written: "But as for me, I direct my prayer unto Thee, O Lord, in a time of favor" (Ps. lxix, 14); and when is the time of favor, when the congregation prays. And it is further written: "Thus hath said the Lord, in the time of favor have I answered thee" (Is. xlix, 8). The Holy one, blessed be He, does not despise the prayer of the multitude even if there are sinful men in their midst, for it is written: "Behold God is mighty (i. e. of many), and despiseth not any" (Job xxxvi, 5). And it is written again: "He delivereth my soul in peace from the battle against me; for in multitudes are they (contending) with me" (Ps. lv, 19).

8. If one is on the road and arrives at a place where he desires to stay over night, then if further on his road within a distance of four miles there is found a place where there is a congregation, he must then advance four miles to the front of him, provided he can reach there while it is still light that he should not have to walk all alone in the nighttime, in order to pray with the congregation. If it is found in the rear of him, he must turn back one mile in order to pray with a congregation. A fortiori should a man not walk away from a place where they pray with the congregation, if he can arrive at his desired destination while it is still daylight.

9. It is highly meritorious to pray in a synagogue or in a house where the law is expounded as these are considered as places of sanctity. Even if it happens at times that there is no required quorum (ten male adults) for prayer, it is nevertheless a meritorious act to pray there by himself, since they are places of sanctity. He who is accustomed to study in the house where the law is expounded, should likewise pray there with ten male adults, although there is a synagogue also found in the same town. But the one who is not accustomed to study there, should pray in the synagogue where the majority of the people are found, and "In the multitude of people is the king's glory" (Prov. xiv, 28). If there are two synagogues in the town, he should go to the farthest, so that he may merit the reward for the extra walk. Said Rabbi Joshua b. Levi: "A man should always be early in coming to the synagogue in order that he may be counted among the first ten, for even if there are one hundred coming after him he receives a reward equal to the combined reward of all of them." Again said our Rabbis, of blessed memory: "Whoever goes morning and evening to the synagogue or to the house where the law is expounded at the proper time and tarries there the necessary length of time and conducts himself there with holiness as is required, will merit long life, for it is written: "Happy is the man that hearkeneth unto Me,

watching day by day at my gates, waiting at the posts of my doors" (Prov. viii, 34), and thereafter it is written: "For he who findeth Me findeth life" (Ibid, 35).

10. It is proper for every man to select a synagogue or a house where the law is expounded where he may pray permanently, and he should likewise select a permanent place within it for worship. Whatever is within a radius of four cubits is considered as one and the same place in this regard. It is best to select a place by the wall, as we find it to be the case with King Hezekiah, for it is written: "And Hezekiah turned his face to the wall" etc. (Is. xxxiii, 2). While praying one should not sit or stand next to a wicked person; and when praying in the house he should also choose an appropriate place where the members of his family should not interrupt him.

11. It is a meritorious act to run while on the way to the synagogue or to the house where the law is expounded, or when going to do some other religious act, for it is said: "That we may pursue to know the Lord" (Hos. vi, 3); and it is written again: "The way of Thy commandments will I run" (Ps. cxix, 32). Therefore it is permissible to run even on the Sabbath to perform a religious act, but it is forbidden to run while in the synagogue or in the house where the law is expounded. On arriving at the entrance (of the place of worship) one should tarry a while, in order not to enter suddenly, but he should tremble and fear the splendor of His glory, blessed be His name, and say the verse: "But as for me, in the abundance of Thy kindness" etc. (Ps. v, 8), which is tantamount to the taking of permission. Thereafter he should enter and walk with fear and awe, as when walking before a king. In the communities where the Jews have separate streets for themselves, one should enwrap himself in the *talith* and put on the *tephilin* at his home, and thus walk to the house of worship. In the place where Jews live among other nationalities, or in the event he has to pass through filthy alleys, he should put on the *talith* and the *tephilin* in the corridor of the house of worship, for it is a great thing to enter the synagogue enwrapped in the *talith* and crowned with the *tephilin*.

12. If by reason of some accident he is unable to go to the synagogue or to the house of study, or even to some place where there is to be found a quorum of ten adult males, he should endeavor to get together ten men, so that he may at least pray at home in a congregation. If this be impossible, let him pray under all circumstances at the time the congregation prays for that is a propitious time. Likewise if one dwell in a place where there is no quorum of ten males, he should pray at the time when the congregation prays in the towns. But if he has to study or begin his necessary work, and, as it was explained in Chapter VIII, supra, he is

not allowed to begin these things before prayer, then he may pray earlier as soon as the sun rises.

13. If one has a weak heart and cannot wait for his meal until the congregation gets through praying, he is permitted to pray earlier at his home in order that he may eat immediately after (as stated in Chapter VIII, supra). Only in his own house may one pray earlier in this manner, but if he has already come into the synagogue where there is a congregation, he is prohibited to pray before the congregation prays. Even if he wants to go outside of the synagogue and pray there before the congregation prays, it is prohibited. But if one sees that the congregation is late in praying, he may pray for himself in order that the time for prayer may not go by. Likewise if one is sick or has met with some other accident, he may pray ahead of the congregation even in the house of worship. It is, however, best in such cases to go home and pray.

14. There are some authorities who hold that if one congregation prayed at a synagogue and then another congregation came and prayed in the same synagogue, the Reader is not permitted to stand in the same place where the first Reader had stood, because it is a disgrace for the first people if they have not as yet left the synagogue. If the first congregation took out a scroll of the Torah and read in it, the second are not permitted to take it out again in order to read in it in the same synagogue. In many communities they are not particular about this, and it all depends upon the custom of the locality.

15. The inhabitants of a community may compel one another to build either a house for study or a synagogue, and to buy books for studying purposes. In places where there is no steady quorum for public prayer, they may compel one another by means of fines to come steadily together and form the necessary quorum in order that the regular daily prayers should not be interrupted. Even students are compelled to come to form a quorum, although they be kept back by this from studying, for there is a time for study and a time for prayer.

CHAPTER XIII.

Laws Regarding the Sanctity of the Synagogue and the House of Study.

1. The sanctity of the synagogue and the house of study is very great, and we are warned concerning them to fear the One who dwells therein, blessed be His name; as it is written: "And My sanctuary shall

you reverence" (Lev. xix, 30). The synagogue and the house of study are likewise called "sanctuary" as it is written: "Yet will I be to them as a minor sanctuary" (Ezek. xi, 16), and it is explained that this refers to the synagogue and the house of study. Therefore it is forbidden to engage there in gossip and to make any other calculations except the calculations appertaining to religious acts, as for instance to count the treasury of charity or the like. Such places must be honored, kept clean and candles should be lit therein to show respect. One should not kiss his little children there for no other love must be shown there, except the love of God, blessed be His name.

2. Before entering such holy places one must wipe off the dirt from his boots and he should take care that there be no dirt either on himself or on his garments. It is permitted to spit there on the floor, but it must be immediately effaced with the feet.

3. It is forbidden to enter therein merely to take shelter from the heat in the summer or from rain in the rainy season. If one has to enter to call his friend, he may do so but he must first read there some verses of the Torah, or study some Mishnah, or say some prayer, or listen to some religious discussion from others, or at least sit down for a while, for even sitting in holy places is considered meritorious, and thereafter he may call his friend.

4. It is forbidden to eat, drink or sleep in holy places, even if it is only a short nap. If to sleep there is a meritorious act, for instance on the eve of the Atonement, one is permitted to do so, but let him keep far away from the holy ark. Likewise for the sake of a meritorious act it is permitted to eat there a meal in which there is no drunkenness and no frivolity. Those who are habitually studying there are likewise permitted to eat and sleep there, even the sleep be regular in order that they may not interrupt their study.

5. When a synagogue is built, it is necessary to consult a learned man how and in what manner to build it.

CHAPTER XIV.

Laws Concerning the Special Verses of the Psalms.

1. From the prayer "Praise ye" until the end of the prayer "Then sang Moses" are called "Special verses of the Psalms." The benediction "Blessed be who said" is the benediction preceding them, and "Praised be" is the benediction following them. The part of the prayer between "Blessed be he who said" until after the *'amidah*, must not be interrupted with conversation even in the Holy Tongue. With reference to interruption for the purpose of performing a precept, a distinction is to be drawn between the special verses of the Psalms and the benedictions thereof and the reading of the *sh'ma* and its benedictions. Regarding the special verses of the Psalms, even while one is in the midst of reading the prayer "Blessed be he who said", or he is in the midst of the prayer "Praised be", he may respond *amen* upon hearing some benediction. Likewise if one hears the congregation read the *sh'ma*, he may read with them the verse "Hear, O Israel, etc." Especially may he interrupt his prayer and respond with the congregation *ḳaddish, ḳ'dusha* and *barchu*. Nevertheless if he can manage to interrupt for the above at a pause, for instance between Psalms or at least between verses, he should do so. One should not say "Blessed be He and blessed be His name" while reading the special verses of the Psalms even at a pause; nor should one say the prayer "Let Him be blessed and praised", usually read when the Reader chants *barchu*, since the saying of this prayer is only a custom. It seems to me that when washing the hands after easing himself (during the reading the special verses) one should not say the benediction "He who formed," since he can say this afterwards.

2. While saying the prayer "Blessed be who said," one should take hold of the two front fringes and stand up, and upon concluding "Extolled with praises," let him kiss the fringes and drop them. All the special verses of the Psalms should be recited in a slow and gentle voice and not hurriedly; and one should pay particular attention to each and every word, as though he were counting money, and he should bear in mind the significance of the words. Especially when one reads the verse "Thou openest Thy hand, etc." he must recite it with great attention, bearing in mind the meaning of the words, and praying in his mind for his own food and for the food of all Israel. If he did not bear anything in mind while reading it, he must read it again with attention. He must pause slightly between the words "Idols" and "and the Lord made the heavens," in order that it should not appear that the words "and the Lord" has any connection with the word above ("idols").

3. One must be careful not to touch with his hands any part of the body or of the head that is usually covered, while reading the special verses of the Psalms, and so much the more thereafter until the end of the prayer. It is likewise forbidden to touch the excrements of the nose or of the ear, unless by means of a handkerchief. If one did touch it, he

must wash his hands with water. If he is in the middle of the prayer and he is unable to go about and look for water, it suffices that he clean his hands with pebbles, or to rub his hands against the wall, or the like.

4. One should say "A Psalm of thanksgiving offering" with gladness and while standing, because it is in the stead of a thanksgiving offering. From "And David blessed" etc., as far as "Thou art the Lord the God," should also be said while standing. The song of Moses should be likewise recited while standing and with joy and attention. While reading the benediction "Praised be" one should also stand.

5. On Sabbath and Festivals "A Psalm of thanksgiving offering" is omitted, because a thanksgiving offering is brought through a free will sacrifice, and no vows and no free will offerings are sacrificed on either the Sabbath or on Festivals. It is likewise omitted on the Intermediate Days of Passover, as no thanksgiving offering can be sacrificed then for the reason that with the thanksgiving offering ten leavened breads must be sacrificed; nor can it be brought on the day preceeding Passover, for the reason that they may not be able to finish eating the breads before the time one may partake of leavened and then these will have to be burnt; it is neither brought on the day preceding the Day of Atonement, because it tends to lessen the time for consumption of the bread, thereby causing holy things to become useless.

6. If one came late to synagogue and found the congregation praying already, and if he would pray according to the prescribed order he would not be able to read the *'amidah* with them together, and whereas it is the main requisite that he reads the *'amidah* with the congregation, he may therefore omit some parts as will be explained. But the benediction "Concerning the washing of the hands," the blessing over the Torah, and the benediction "O my God, the soul, etc." must under all circumstances be recited before the prayer; and therefore if he neglected to recite them at his house, he must recite them at the synagogue even if on account of this he will be unable to pray with the congregation. The morning reading of the *sh'ma* together with its benedictions must also be recited only before the *'amidah*, i. e., he must begin the benediction "Who formest light, etc." and pray according to the order till after the *'amidah* without any interruption. But the other benediction, the entire order, and the special verses of the Psalms (exclusive of the benedictions "Blessed be He who said" and "Praised be") may be read even after the prayer.

7. Therefore if after having said the above mentioned three benedictions and having put on the *talith* and the *tephilin*, he sees that he will be unable to pray the *'amidah* with the congregation unless he omits everything else and begins with "Who formest light," he should then begin from there. If he has sufficient time to say also "Blessed be" to the end, i. e., to "His holy name for ever and ever" and "Praised be He who spake" and "A Psalm of Praise, of David," he should recite them; if he has more time, he should also recite "Praised be the Lord. Praise God

in His sanctuary" and conclude with "Let everything that hath breath praise the Lord: praise ye the Lord"; if he has more time, he should also recite "Praise ye the Lord. Praise ye the Lord from the heavens, etc."; if he has more time, he should say the rest of the Halelujah; if he has more time, he should also recite "And David blessed" and conclude with "Thy glorious name;" and if he has more time, he should also recite "O give thanks", conclude with "And He, being merciful," and then omit up to "And he being merciful" which preceeds "Happy are they," whence he shall resume. If he has not sufficient time to recite all the Psalms that are especially added on the Sabbath and Festivals, then all the Psalms and verses read daily have preference. If he can spare some time for the reciting of a part of the special additions, it seems to me that on the Sabbath and on the Day of Atonement preference is to be given to "A Psalm, a Song for the Sabbath day" and the big Hallel (i. e. "Give thanks unto the Lord, for He is good" etc.). On any other Festival the big Hallel alone has the preference. Thereafter the following order of preference is to be observed, the Psalm "For the chief musician," "A psalm of David, when he changed," "A prayer of Moses;" and all these psalms and verses should be read before reciting "Praised be," and after concluding the prayers he should complete the omitted parts. Only the benedictions "Blessed be he who spake" and "Praised be" cannot be read after the prayers. If one sees that even when he begins with the benediction "Who formest light," he will not be able to read the *'amidah* together with the congregation unless he should read it very quickly, then it is best to pray for himself, according to the prescribed order, slowly and with attention.

8. If one has come to the synagogue and the congregation has begun to recite the special verses of the Psalms, and he has no *talith* and *tephilin*, and he expects that they will be brought to him, he may likewise pray the special Psalms, and when the *talith* and the *tephilin* are brought to him, he should put them on after "Praised be" before the benediction "Who formest the light," and say the necessary benediction. If he apprehends that by putting them on he will be prevented from praying the *'amidah* with the congregation, he may omit from "And He, being merciful" contained in "O give thanks" up to "And He, being merciful" preceeding "Happy are they"; or omit from "Thus the Lord saved" up to "Praised be"; and he should read only the most important Psalms, as is provided in section vii, supra, in order that he should have sufficient time to put them on after he has read "Praised be" and before the Reader said the *kaddish*.

CHAPTER XV.

Laws Concerning Kaddish, Barchu, Quorum for Prayer and the Reader.

1. Concluding "Praised be" the reader recites half *kaddish*. Neither *kaddish* nor *barchu* nor *k'dusha*, may be said, nor may the holy scroll be read, unless there are present ten male adults. If there were no

ten present when "Praised be" was recited, but thereafter the number was completed, the Reader should not say *ḳaddish* after that, because *ḳaddish* is to be said only after a prayer recited in the presence of ten; in such event they should therefore wait until ten assemble before they say "Praised be." They should wait about half an hour and no longer; but should say "Praised be" and thereafter wait, and when ten do assemble, they should first recite some verses and then the Reader should say half *ḳaddish.*

2. An adult is one who is thirteen years old and is going on his fourteenth year; e. g., if he was born on the new moon of the month of Nissan, he is not considered an adult before the new moon of the month of Nissan, i. e., at the beginning of the night of the month of Nissan, after thirteen years, he becomes an adult. If one is born in the month of Adar in a plain year, and when he becomes an adult it is an intercalated year, he does not become an adult before the second Adar; but if he was born in an intercalated year on the first Adar, he becomes an adult also on the first Adar. If when he was born it was an intercalated year and when he becomes an adult it is a plain year, then whether he was born on the first Adar or on the second Adar, he becomes an adult on that day of the present Adar. It follows then that it may happen that one male born before another, the latter may become an adult later than the former; for instance, if both of them were born in an intercalated year, the first on the twentieth day of the first Adar and the second on the tenth day of the second Adar, and the year in which they reach their majority is a plain year (then the former who was born first will become an adult on the twentieth day, and the latter who was born last will become an adult on the tenth day).

3. Care must be taken not to count the people by their polls (in a direct manner) in order to ascertain if there is a quorum for praying, because it is forbidden to count Israel in such manner even for the purpose of doing a religious act, as it is written: "And Saul summoned the people, and numbered them *with lambs*" (I Sam. xv, 4). We are accustomed to count the people by saying the verse: "Help Thy people" etc. (Psalms xxviii, 9), which contains (in Hebrew) ten words.

4. It is necessary that all the ten should be in one place and the Reader should be with them; but if some of them be in one room and some in another, they do not constitute a quorum, although the door between the rooms is open. Even if the majority of the quorum be in the synagogue and a minority in the court-yard in the front of the synagogue, the latter are not drawn after the majority to be counted with them (to complete the quorum); even if the latter are standing on the part of the threshold which

is outside of the door, i. e., if the door were closed this spot would remain on the outside, although at present the door is open, it is considered in law as an outside place. All this is true with reference to completing the quorum, but if there are ten people in one place saying *ḳaddish*, *barchu* or *ḳ'dushah*, then everybody who hears their voices may join in the response, even if many houses intervene between them. Even a partition of iron cannot separate Israel from their Father in heaven, provided there be found no excrement and no idols in that spot (where the listener is standing).

5. It is necessary to be very careful to listen to the *ḳaddish* and to make response with due deliberation, and so much the more is it the case with "Amen, Let His great name," etc., that one has to deliberate very well. For he who responds "Amen, let His great name, etc.", with all his might and attention, causes a sentence to be cancelled that was passed within seventy years. It is proper to respond it in a loud voice, because with this voice he defeats all the prosecutors and annuls all evil decrees. Nevertheless he should not scream very loud, so that people should not mock at him, and thus cause them to commit a crime. "Amen, let His great name, etc." should be connected with the word "Blessed", and thereafter he should hear the Reader say it and respond *Amen.*

6. There are some authorities who hold that it is not necessary to stand at the recital of the *ḳaddish*, but if the *ḳaddish* is recited after a prayer which was read while standing, e. g., after the reading of the *hallel* it is necessary to continue to stand till after "Amen, let His great name, etc." There are other authorities who hold that it is always necessary to stand while the *ḳaddish* is recited, as well as for any other thing that is sacred. This rule can be derived by a conclusion from minor to major from the case of Eglon the king of Moab. For it is written: "And Ehud came unto him, etc., and Ehud said: I have a message from God unto thee; and he arose from his throne," (Jud. iii, 20). If Eglon the king of Moab, who was an idol worshipper, rose for the word of God, how much more is it incumbent upon us who are His people. And so it is advisable to follow the stricter opinion.

7. If there are no nine persons who hearken to the Reader, the latter should not say *ḳaddish* at all, because any matters of holiness cannot be solemnized with less than ten persons, i. e., one to read and nine to hearken and respond. Nevertheless if one is praying the *'amidah*, although he cannot respond with them, he may be counted in the quorum; and this law applies even to a case where there are two, three or four of them, praying the *'amidah* so long as there remains a majority of the quorum who can respond, the minority does not render it invalid. If one of them is asleep, he mut be awakened, because a sleeping person cannot be counted in the quorum of ten.

8. After the Reader finishes *half-ḳaddish*, he recites in a loud voice: "Bless ye the Lord who is to be blessed," and the congregation responds: "Blessed is the Lord who is to be blessed for ever and ever;" and the Reader repeats after them: "Blessed be the Lord who is to be blessed for ever and ever;" for he should not exclude himself from the public, in that he tells them to bless while he himself does not do it. Some people are accustomed to respond *Amen* (after the Reader concludes the above verse), but the Reader should not respond *amen* after the congregation concludes the same verse. If the Reader prolongs the singing of *barchu*, the congregation should say "Blessed, praised, etc." This should be said only when he sings, but when he pronounces the words nothing should be said by them, but they must keep silent and hearken to what he says. Even though one did not hear the Reader say *barchu*, but he hears the congregation respond "Blessed is etc." he may respond with them.

9. It is proper to say the *ḳ'dushah* contained in the prayer "Who formest light" with the congregation, but if that be impossible, he may say it privately.

10. If there be just a precise quorum in the synagogue, every one of them is forbidden to go out, and with reference to such as do go out, it is said: "And they that forsake the Lord shall be consumed" (Is. i, 28); but if ten remain, the remainder may go out if they already hearkened to *barchu*, *ḳ'dushah*, and all the *ḳaddishim* till after the prayer "It is our duty to praise, etc." (Alenu). Nevertheless, if no quorum of ten remained, they may finish the portion of the service which was commenced when there were ten (providing there is a majority of the quorum left). If the Reader has commenced to repeat the *'amidah*, he may complete the reading of it, and they may also say the *ḳ'dushah*, and the Reader may say: "Our God and the God of our fathers, bless us with the three-fold blessing etc." (the priestly benediction), but neither do the priests raise their hands to pronounce the blessing, nor is *ḳaddish* said after the *'amidah*, for these are separate parts of the service. If they began to read the Torah with a quorum of ten, and in the meantime some of them went out, they complete the part already commenced, but nothing additional to the required number should be alotted. No one should be called up for *maftir*, but the last of the prescribed number called should read the *haftorah* (a section of the Prophets) without saying the benedictions.

11. The Reader should be a suitable person, as it is written: "It sent forth its voice against me; therefore do I hate it" (Jer. xii, 8). And our Rabbis, of blessed memory, said that this refers to a Reader who is not suitable and reads before the public. And who is considered suitable? The one who is clean from transgressions, whose youth is becoming, i. e., he did not have a blemished reputation even as a youth; he must

be modest and acceptible to the congregation, so that they consent to his praying. He must have a pleasant and sweet voice which attracts the heart, he must be accustomed to read the Law, the Prophets and the Hagiographa, so that the Scripture texts in the prayers should be fluent in his mouth. If, however, they cannot find one possessing all these qualifications, they should select the best one among them, best as regards wisdom and good deeds.

12. No man should be a Reader without the consent of the congregation. He whosoever becomes a Reader without consent, but by sheer force and pride, no *Amen* should be responded after his benediction, for it is written: "And the robber blesseth himself when he hath despised the Lord" (Ps. x, 3).

13. None should be appointed as permanent Reader whose beard is not fully grown, but at a mere chance any male adult of the age of thirteen years and one day may become a Reader.

CHAPTER XVI.

Laws Relating to Pauses in the Sh'ma and the Benedictions thereof.

1. The *sh'ma* and its three benedictions which are "Who formest light," "With abounding love," and "True and firm," are much more important than the special verses of the Psalms. (This applies likewise to the *sh'ma* and the benedictions thereof in the Evening Service.) The former are divided into sections, and the following are considered between the sections: between "Creator of the illuminations" and "With abounding love;" between "Who has chosen Thy people Israel in love," and "Hear, O Israel"; between "And upon thy gates," and "And it shall come to pass, if ye shall hearken;" between "Above the earth" and "And the Lord spake."

2. Between these sections it is permitted to respond *amen* to every benediction one hears; a fortiori is it permitted to make the response to the *k'ddushah*, *kaddish* and *barchu;* but he is not permitted to say: "Blessed be He, and blessed be His name." If one hears the congregation reading the *sh'ma*, he shall not say with them the verse: "Hear, O Israel," but he should say aloud the part he has to read, after the same manner the congregation recites "Hear, O Israel," so that it may appear as if he was reciting together with them.

3. In the middle of a section one should not respond *amen* except after the benediction "The holy God," and after the benediction "Who hearkenest unto prayer;" when hearing *kaddish* one may respond only "Amen; Let his great name be blessed for ever and to all eternity;" and

when the Reader says "Which are uttered in the world; and say ye, Amen," he should likewise say *amen*. But he is not permitted to respond any other *amen* in the *kaddish*, because these are not of the main points in the *kaddish*. Hearing the *k'dushah*, he should keep quiet, hearken to the Reader, and say with the congregation: "Holy, holy, holy is the Lord of hosts: the whole world is full of His glory;" he should keep quiet again and then say with the congregation: "Blessed be the glory of the Lord from His place." He is not permitted to say any more, because the other parts are not chief points in the *k'dushah*. Upon hearing *barchu*, either from the Reader or from one that goes up to the Torah, he should respond: "Blessed is the Lord who is to be blessed for ever and ever." And he must also say *amen* on hearing the benediction of the one that is called up to the Torah. If the congregation say *modim* (we give thanks) he too should bow and say only "We give thanks unto thee," but no more. If one hears the sound of a thunder, there are some who hold that he may interrupt and say the necessary benediction, but some hold that he may not interrupt with this.

4. The above are the interruptions we have stated with which one may interrupt in the midst of a chapter. If one is then reading the benedictions he should manage to make the interruption at the conclusion of a subject (a pause); and if he is reading the *sh'ma*, he should manage to make the interruption between one verse and the other. If this be impossible he may make the interruption even in the middle of the verse, and thereafter he should begin again from the beginning of the verse (thus interrupted).

5. That which we have stated before that one may interrupt in the midst of a chapter for the things stated above, does not apply to the verse "Hear, O Israel," and to the verse "Blessed be His name, whose glorious kingdom is for ever and ever." Regarding these verses, no interruption may be made while reading them under any circumstances. Even if the King greets him he is not allowed then to respond. Between "I am the Lord your God" and "True and firm" no interruption whatever should be made, because it is written: "But the Lord God is the truth" (Jer. x, 10), therefore it is not permitted to interrupt between the words "your God" and "truth." It is proper not to interrupt until after he also said the word "Firm." Thereafter he may interrupt as in any other place when in the midst of a chapter. (Regarding salutations people are nowadays not particular about them, and therefore no interruption should be made with these even between sections.)

CHAPTER XVII.

Laws Regarding the Reading of the Sh'ma.

1. The time to commence the reading of the *sh'ma* in the morning service is the same as the time for putting on the *tephilin*, and it extends to the end of the first quarter of the day, whether the day be long or short

The day is reckoned from daybreak until the time the stars begin to shine. The ideal fulfilment of the precept is to read as the pious of former days used to do. They were accustomed to begin reading a short time before morning dawn, in order to finish the reading of the *sh'ma* and the benedictions thereof at the morning-dawn, and the prayer immediately thereafter. He who can manage to do so, his reward is very great. Under any circumstances it is necessary to be very careful not to delay the reading any longer than the first quarter of the day. Especially is it necessary to take care in the summer days when the day is long in our lands, and at times the end of the period (for reading the *sh'ma*) is before seven o'clock in the morning. Nevertheless, if the time limit has passed, he is permitted to read the *sh'ma* and the benedictions thereof up to a third of the day; but thereafter it is not permitted to say the benedictions, but one may read the *sh'ma* by itself even all day long. (There are some authorities who hold that even the benedictions may be said all day).

2. It is permitted to read the *sh'ma* either sitting or standing. If one happened to be sitting, then he is permitted to be strict and rise; but one is prohibited to read it while lying down; and if he is already lying down, he should lean on his side and read. But if he is ill and it is difficult for him to lie on his side, then he should merely incline a little to one side.

3. Before one begins reading he should bear it in mind that he is about to perform the precept of reading the *sh'ma*, which the Holy one, blessed be He, has commanded us. When he says "Hear, O Israel," he must pay heed to its meaning, namely, that the Lord who is our God is the only one, one and alone in heaven and on earth. He should draw out the letter *heth* of the word *echad*, long enough within which to acknowledge the kingdom of the Holy one, blessed be He, in heaven and on earth, and also draw out a little the *daleth*, long enough within which time to think that the Holy one, blessed be His name, is only one in His world, and is the ruler of the four corners of the universe; but one should not prolong it any longer than that. He should be careful not to spoil the pronunciation of the word *echad* on account of his drawing it out slightly. For some of the common people spoil the pronunciation thereof: some read it *ech-ad* while others read it *echade*, and it is better not to draw it out at all than to draw it out and spoil it. It is customary to read the *sh'ma* with a loud voice to arouse attention, placing the right hand upon the eyes. After saying *echad* he should wait a little while and then say: "Blessed be the name of His glorious kingdom for ever and ever" in an undertone (except on the day of Atonement, when it is read aloud), and he should likewise bear in mind the significance of the words.

4. He makes a short pause and then reads "And thou shalt love" etc., and he should pause a while between this portion and the portion "And it shall come to pass if ye will hearken, etc." Before the portion "And the Lord said," he should likewise make a short pause, and bear it in mind that by reading the portion of "And the Lord said," he fulfils the positive precept of commemorating the departure from the land of Egypt.

5. One must read the *sh'ma* very carefully out of a well revised prayer book, and he should also hear the words he utters. He should take heed not to pronounce a hard letter (with *dagesh*) in place of a soft letter (without *dagesh*), or a soft letter in place of a hard letter; and he should make a short pause at every place wherever there is a vertical line like this. (These laws have also application to the special verses of the Psalms). He should also accentuate the *ayin* of the word *nishba*, (he swore) so that it should not sound as if he had pronounced the word *nishbah* (he was captured), ending in the letter *he*. He must also accentuate the *zain* in the words *tizk'ru* (you shall remember) and *uz'chartem* (and ye shall remember), so that it should not sound as if he had pronounced them with a *sin*.

6. The one who reads the *sh'ma* should not wink his eyes, nor pucker up his lips, nor point with his fingers; but if it be for the purpose of the observance of a precept, he is permitted to do so when reading the second portion.

7. Before reading the *sh'ma*, when one says "O bring us in peace" etc. he should take the fringes in his hand and hold them while reading the *sh'ma* in his left hand between the ring-finger and the little finger opposite his heart, and when he reads the section "And the Lord said" etc., which section deals with the fringes, he should also take hold of them with his right hand. When he says "That ye may look upon them" he should place them on his eyes, look at them, and kiss them. It is customary to kiss them whenever he mentions the word fringes, and to hold them till he says the words "And desirable for ever," when he again kisses them and lets them fall out of his hands.

8. When he says the words "I am the Lord your God," he must add forthwith the word "true" in order not to make any pause between these words. The reader too must conclude in like manner, but he thereafter repeats again the words "The Lord your God, true." Everyone should give heed to hear these words recited by the Reader, for these words complete the two hundred and forty-eight words in the reading of the *sh'ma*, corresponding to the two hundred and forty-eight members in a man's body. Thereafter he begins with "and firm," but he must not repeat the word "true" again. If one pray privately, he adds "God is a true King" before reading the *sh'ma*, in order to complete with these three words the number of two hundred forty-eight.

9. If one interrupt in the midst of reading the *sh'ma*, due to an accident in that he was forced to interrupt, as for instance when he had

to go out to ease himself, or when there was found some excrement in the house where he prays, if the interruption lasted long enough for one to read the entire *sh'ma*, he must repeat the reading of the *sh'ma* from its very beginning.

10. If one had read the *sh'ma* and then he entered the synagogue and found the congregation reading the *sh'ma*, he should read the entire *sh'ma* with them, and he will receive reward therefor as though he had read a portion of the Torah. The same law applies to a case where he is at the synagogue and is engaged in saying supplications or verses in places where it is permissible to interrupt. If he had not read the *sh'ma* yet, he should likewise read the *sh'ma* together with the congregation, but he should have it in mind not to fulfill his duty of reading the *sh'ma* thereby, in order that he may read it thereafter with the benedictions. This rule applies also to other things that the congregation is reading, for instance, "A Psalm of Praise of David," and "It is our duty," and the like; even the special festival compositions he should read with them, and he should not segregate himself from the public.

CHAPTER XVIII.

Laws Relating to the Praying of the 'Amidah.

1. The time for reading the morning prayers begins at sunrise, as it is written: "They shall fear Thee when the sun shineth" (Ps. lxxii, 5); nevertheless if one said his prayers at morning dawn, his duty is done. The time terminates at one-third of the day, and it is forbidden to delay it any longer. If he delayed saying his prayers longer than prescribed, even if done so intentionally, he may pray till mid-day; although his reward in such event will not be as great as when the prayers would be said in the prescribed time, yet he is entitled to reward for praying. If he wilfully delayed his prayer till mid-day, he can no longer make up for it, and concerning him is written: "What is crooked cannot be made straight" (Ecc. i, 15). (Cases where the delay is caused through ignorance or necessity will ge discussed in Chapter XXI, infra).

2. On reading "Praises to the most high God", one should rise and prepare himself for the prayer of the *'amidah*, and he should remove his phlegm and saliva and anything that tends to divert his thoughts; he should then walk three paces backwards and say "Praises to the most high" etc., up to "Who hast redeemed Israel." Then he should advance three steps in the manner of one nearing and approaching a king. He

should make no interruption between "Who hast redeemed Israel" and the *'amidah* not even for *kaddish*, *k'dushah* or *barchu* because he must closely connect redemption with prayer. It is best to manage it so as to conclude the benediction "Who hast redeemed Israel" simultaneously with the Reader, for if he should finish it first and thereafter the Reader, it is doubtful whether he has to respond *amen* to the benediction said by the Reader; but if he too concludes the benediction with him, then he certainly need not respond *amen*, because no *amen* is to be responded to one's own benedictions. In the Evening prayer, since the benediction preceding the *'amidah* does not conclude with "Who hast redeemed Israel," it is permitted to make an interruption the same as at any other place when it is between one section and another. Before the *'amidah* he should say: "O Lord, open Thou" etc., and this is not considered an interruption, because it is a part of the prayer. One should not say the verse:: "When I call the name of the Lord, etc."; but at *musaph* (Additional Service), and at the Afternoon service he should say the last mentioned verse before "O Lord, open Thou" etc.

3. The one who prays should be mindful of the fact that the Divine Presence is in front of him, as it is written: "Pour out thy heart like water before the face of the Lord" (Lam. ii, 19), and he should concentrate all this thoughts, and remove from his mind, all thoughts that trouble him so that his mind and attention remain pure and concentrated upon his prayers. Let him suppose that if he were in the presence of a mortal king, then he would surely well arrange his words and concentrate well upon them so that he should not, God forbid, stumble (in his speech) a fortiori when in the presence of the supreme King of kings, one should concentrate his thoughts, because to Him, blessed be His name, thoughts are like words, and He examines all thoughts. Before the prayer one should think of the majesty of God, blessed be His name, and of the low state of man, and remove from his thought all human pleasures.

4. The one who prays should think of the significance of the words that he pronounces with his lips, for it is written: "Thou wilt strengthen their heart, thou wilt cause Thy ear to listen" (Ps. x, 17). There already have been published many Prayerbooks with translations, and every one is able to study and understand what he prays. If one is unable to understand the translation of the words, he should at least think while praying about matters that humble the heart and direct his heart towards his Father in heaven. Should there an evil thought perchance enter one's mind, he should keep quiet and wait until the thought disappears.

5. One should place his feet close together as if they were but one, compared with the angels, for it is written: "And their feet were straight feet" (Ez. i, 7), i. e. their feet appear to the eye as though they were one foot. He should bend his head slightly downward, close his eyes not

to look at anything else, and if he reads out of a prayerbook, his eyes should not be removed from the book. He should place his hands over his heart, placing the right above the left, and pray with heartfelt devotion, inspired with awe, fear and humility, in the manner of a poor man standing behind the door (begging alms) and he should pronounce the words with full attention and care. Everyone should read the prayers to his own text, whether it be German or Sephardic or the like, for all texts are based on holiness, but one should not mix up the words from different texts, because the words of every text are numbered and counted in accordance with great mysteries, and nothing should either be diminished or added.

6. One should be careful to pray (the *'amidah*) in an undertone so that only he himself should hear what he is saying, but the one standing by him should not hear his voice, as it is written of Hannah: "Only her lips moved but her voice was not heard" (I Sam. i, 13).

7. One should not support himself against anything whatsoever, even slightly, but if he be ill then he is permitted to read the *'amidah* even in a sitting of a lying position, providing he can concentrate his thoughts on his prayers. When one is too ill to articulate the words, he should nevertheless meditate (the prayers) in his heart.

8. While saying the *'amidah* one should have nothing in his hand except the Prayer book or the Festival prayer book if need be. Before commencing to pray he should first mark the places to be read in the prayer book or in the Festival prayer book, so that he should not need to look for the places in the midst of his prayer. There should not be any barrier between himself and the wall, for it is written: "Then did Hezekiah turn his face to the wall, and he prayed unto the Lord" (Is. xxxviii, 2). A barrier is called only when it is ten hand-breadths high and four hand-breadths wide but a small thing is not called a barrier. Even a big thing which is affixed permanently, for instance, a closet or a chest, is not a barrier; neither is a human being to be considered a barrier. In case of necessity he should not be particular about it in any event, as long as he closes his eyes or prays out of his prayer book so that his attention be not diverted. He should not pray in front of any picture, and if he happens to pray in front of a garment or a wall decorated with pictures, he should close his eyes. In front of a mirror it is forbidden to pray even with closed eyes. One should not pray in an open space, for instance in a field, because when he is in a private place, the awe of the King overtakes him and his heart is broken and humble. However, if he be on the road he may pray in the open field; but if possible he should pray between trees.

9. One should not belch (nor stretch), nor yawn while saying the *'amidah*. If he is compelled to do so, he should place his hand on his mouth, so that its opening be not seen. He should not expectorate, but if there was saliva in his mouth and he was troubled thereby to the extent that he was disturbed from his prayer, he should eject it in a handkerchief or in a garment, and if this be loathsome to him, he should incline towards the left and spit behind him; if he be unable to spit behind him, he may spit on the left side; if he be unable to do it on the left, he may spit on the right. If a vermin stings him he may feel through his clothes to remove it, so that it should not divert his attention, but he should not remove it with his bare hand. If the *talith* slipped off from his shoulders, he may replace it even if the greater part of it fell off; but if it fell off entirely, he is not permitted to wrap himself up with it, because this constitutes an interruption. If a book fell on the floor in front of him and causes a diversion of his attention, he may pick it up between one benediction and another. All the things that are forbidden to be done during the *'amidah*, must not be done till after he has walked three steps backward.

10. One should stand, when praying the *'amidah*, facing Palestine (East), as it is written: "And they shall pray unto Thee by the way of their land" (I Sam. viii, 48). He should also think that he is facing Jerusalem, the Holy Temple and the Holy of Holies. Therefore, we who dwell in the West of the land of Israel, turn towards the East; (not exactly East but South-east). People living in the North of the land of Israel turn towards the South; those dwelling in the East turn towards the West; and those living in the South turn towards the North. The result is that all Israel turn while praying towards one place, namely towards Jerusalem and the Holy of Holies, because there is the gate in heaven through which all the prayers ascend. Therefore is the Temple called "Talpiyoth," as it is written: "Thy neck is like the tower of David built on Talpiyoth" (Cant. iv, 4), which means "Tel" a hill "Piyoth" towards which all mouths turn. If one pray in a place where he is unable to face the land of Israel, he should direct his attention to his Father in heaven, as it is written: "And they shall pray unto Thee" (I Kings, viii, 48). If one stood facing North or South, and in the midst of the prayer he remembered that he was not standing properly, he is not per-

mitted to shift his feet, but should turn his face towards the East. If he cannot do that, as for instance when he faces towards the West, he may finish his prayer in this position, and he should center his thoughts towards the Holy of Holies, but he should not shift his feet. When one prays in a place where there are drawings on the Eastern wall, he may also pray towards some other side although it be not the East.

11. It is necessary to bend the knees and bow four times whilst saying the *'amidah*: at the beginning and the end of the first benediction, and at the beginning and the end of the benediction *modim* (we give thanks). When one says *baruch* (blessed art) he bends the knees, and when he says *attah* (Thou) he bows so that the vertebra of the spinal column protrude, and he should also bend his head. Before pronouncing the Divine Name, he should gently raise himself (to an erect position) for it is said: "The Lord raises them that are bowed low" (Ps. cxlvi, 8). So at *modim* one should bend the knees and bow, and before uttering the name of God, he should rise to an erect position. He must not bow down to a lower position than necessary, so that his mouth be opposite his girdle, because this is the way of arrogance. An old and an invalid person to whom bending the knees is painful should merely incline their heads, and this is sufficient. It is prohibited to increase the occasions for bowing down when saying the other benedictions, either at their beginning or at their end.

12. On concluding the *'amidah* one should say: "O my God, guard, etc." and before saying: "He who makes peace, etc." he should bow and walk only three steps backward after the manner of a servant who takes leave of his master. The steps should be of average size, the minimum of which size is that the thumb should touch the heel. He should not make big strides nor make more than three steps, taking the first step with the left foot, the second with the right and the third with the left. While still bowing he should turn his face towards the left (which is the right of the Divine Presence that is before him while praying), and when concluding his prayer, he should say: "He who maketh peace in His high places;" and he turns his face towards his right, which is towards the left of the Divine Presence and says: "May He make peace for us;" thereafter he bows towards the front and says: "And for All Israel, and say ye, Amen." After this he should stand erect and say: "May it be Thy will, etc. that the Temple be rebuilt speedily in our days, etc." because the prayers are instead of the service in the Temple, therefore we pray for the rebuilding of the Temple so that we shall be able to do the actual service there speedily in our days. The reason we make the first step with our left foot is because people as a rule make their first step with the right, on this occasion we therefore do it with our left to make it appear as though it were hard for us to leave the presence of God, blessed be His name. A left footed person should therefore make the first step with his left foot which is everybody else's right.

13. Finishing the three steps one should remain where his steps ended with his feet close together, as when praying, and he should not turn his face towards the West nor return to his place until the Reader reaches *ḥ'dushah*. When one prays privately he should also remain standing that same length of time (it would take the Reader to reach the *ḥ'dushah*.) If the place be narrow and crowded, or when the special Festival compositions are read, he should return to his place as soon as the Reader begins the prayer.

14. While saying the *'amidah* one should not blink with his eyes, nor gesticulate with his lips, nor point with his finger; he should not interrupt even for *ḳaddish*, *ḥ'dushah* or *barchu*, but should remain silent and pay attention to what the Reader and the congregation are saying, and it will be accounted to him as if he had responded in as far as performing his duty is concerned, but it is nevertheless not considered an interruption.

15. At the prayer "O my God, guard" one is permitted to interrupt for all those things with which one may interrupt in the midst of a section of the *sh'ma* and the benediction thereof (Chapter XVI, supra). Nevertheless if possible he should first say "Let the words of my mouth;" and if it be still more possible he should step three steps backward (before making the interruption). Some people are accustomed to say immediately after "Who blessest Thy people Israel with peace," the verse "Let the words of my mouth, etc." then they say "O my God, guard," and conclude it again with "Let the words of my mouth;" and this is the proper thing to do. It seems to me that in such event it is permissible to interrupt while reading the prayer "O my God, guard" with responding any *Amen*. There are some authorities who hold that before saying the verse "Let the words of my mouth be" it is advisable to recite one verse from the Law, the Prophets or the Hagiogripha that begins with the same letter wherewith his name begins, and ends in the same letter wherewith his name ends. It seems to me that when one repeats "Let the words of my mouth" twice, he should say the aforesaid verse before the second reading of "Let the words of my mouth."

16. As has already been stated in Chapter XII, 3, supra, that if one has the slightest feeling that he needs to ease himself, he is not permitted to begin his prayers until he so eases himself. A fortiori is one forbidden to commence praying the *'amidah* if he has the slightest feeling that he needs to ease himself until he does so ease himself. But if at first he did not feel anything at all, and thereafter while reading the *'amidah* he feels that he has to ease himself, whether he be in need of moving the bowels or of urinating, he should restrain himself until he concludes the *'amidah* and he should not interrupt. Even if the need be great, he should nevertheless restrain himself as long as possible, and he should not interrupt in the midst of the *'amidah* by going out until after he finishes "Who blessest His people Israel with peace."

17. If one feels that a bad odor is about to come forth from beneath and he cannot refrain himself, if he prays at his own house, he should walk four cubits either in front of him or at his sides and let off wind, then he should wait until the bad odor vanishes and return to his place and say: "Master of the Worlds! Thou hast created in us many orifices and vessels. Revealed and known is unto Thee our shame and disgrace. We are a shame and a disgrace while we are alive, and worms when we are dead." After that he finishes his prayer. If one let off wind against his will at the place he prays, or when he prays with a congregation where he would be ashamed to walk far backward, then he does not have to walk far away, neither does he have to say "Master, etc." but he should wait until the odor vanishes and then finish his prayer.

18. It is not permitted to sit within four cubits distant of one who is saying the *'amidah*, either in front of him or behind him or at his sides. If the one seated is engaged with something which likewise belongs to the order of prayers, then it is permissible. Some authorities are more lenient and hold that even if the one seated is not engaged in matters appertaining to prayers, but is engaged in the study of the Law, he need not keep away. The God-fearing should not sit in front of the one who prays the *'amidah* as far as his eyesight can reach, even though the former be engaged in reading the *sh'ma*.

19. If the one seated be a feeble person, he should not be prevented (from remaining seated in front of the one praying the *'amidah*).

20. If the one seated sat down first and thereafter another one came and started praying either at his side or in front of him, so that the one seated is now behind the one who prays, the former need not rise, since the latter came in his territory. But if he started praying behind him, so that the one seated is now in front of him, he must take heed and rise. All this is true only when he prays in his own house, but if he prays in a house set aside for a permanent quorum of ten to pray there, and so much the more in a synagogue which is designated for everybody to pray therein, then even if he sat down first he must rise, since the place is designated for everybody to pray therein.

21. It is forbidden to pass within four cubits in front of the one saying the *'amidah*. Therefore if one finish his prayer and the one standing behind has not finished as yet, the former shall not step backward the required three steps, because he will then be like one who passes in front of the one praying. It is permissable to pass at his side and especially behind him.

22. One who is intoxicated to the extent that he would not be able to speak with the deference due a great and respected personage, is forbidden to say the *'amidah*. If he transgressed this law and did say it, his prayer is considered an abomination, and he is obliged to repeat the prayer on becoming sober. If the time limit for prayer has passed, then he

must make up for it by incorporating it in the next prayer, in accordance with the laws of the one who neglects his prayer unwillingly and by force

CHAPTER XIX.

Laws Appertaining to Mashiv Haruach, Tal Umatar, etc.

1. In the winter we say: "Thou causest the wind to blow and the rain to fall" (in the *'amidah*), and we begin it at the Additional Prayer (Musaph) on the Solemn Assembly (*Sh'mini Atsereth*). Before beginning the *'amidah* the beadle announces: "Thou causest the wind to blow and the rain to fall." If he failed to anounce it, then it is not said in the *musaph* silent prayer. A sick person who prays privately (on that day), also villagers who have no quorum for praying, should defer praying the *'amidah* until such time as they may be reasonably certain that the town people have already prayed *musaph*, then they too pray *musaph* and say it ("Thou causest the wind," etc.). *Mashiv haruach* is said until the *musaph* service on the first day of Passover, when the congregation including the Reader say it at the silent prayer, but on repeating the *'amidah* the Reader ceases saying it. The congregation then do not say it (on the same day) at the afternoon service, since they have already heard that the Reader stopped saying it. He who prays privately (on the first day of Passover) should make his additional prayer precede that of the congregation in the towns, so that the Reader has not yet stopped saying it, for the one who prays *musaph* after the Reader stopped saying *mashiv haruach*, does not have to say it any longer. There are places where it is customary to say: "Thou causest the wind to blow and the dew to fall." The beadle should likewise make such announcement before the *musaph* of the first day of Passover., then they begin saying it when at silent *musaph* prayer and stop saying "and the rain to fall."

2. If one neglected to say: "Thou causest the wind to blow and the rain to fall, if he became aware of the omission before saying the benediction "Who quickenest the dead," he may say it where he remembered his error, provided it be not in the middle of a sentence. Thus if he remembered his error after he had said "Thou keepest Thy faith," he must first add "To them that sleep in the dust," then say "Thou causest the wind to blow" etc., and thereafter continue with "Who is like unto Thee" etc. Or if he prefers he may say the whole thing over again, i. e., say: "Thou causest the wind to blow and the rain to fall," and then continue in the regular order "Thou sustaineth the living" etc. But if he does not become aware of the omission until after he has concluded the benediction "Who quickenest the dead," it is necessary to repeat the *'amidah* from the beginning. (And it would not be sufficient if he began with "Thou, O Lord, art mighty"; for the first three benedictions are in this case considered as one, so that if he concludes the benediction improperly, he must repeat from the beginning of the prayer). If one forgot at the evening prayer, or at the morning prayer, or at the *musaph* service of the first day of Passover to say *mashiv haruach*, he need not repeat it.

3. In places where they say in the summer: "Thou causest the wind to blow and the dew to fall," if by error one recited the same version during the winter, then if he did not become aware of the error till after he said "Blessed art Thou, O Lord," he should conclude with "Who quickenest the dead." He need not repeat the prayer again for the sake of mentioning rain, since he already mentioned dew. But if he became aware of the error before he uttered the Name, he should say at the end of a sentence "Causest rain to fall."

4. If by error one say in the summer: "Thou causest the wind to blow and the rain to fall," if he became aware of the error before saying the benediction "Who quickenest the dead," he should begin again from "Thou, O Lord, art mighty" etc. (This does not come within the law of repetition but simply to make the benediction more evident that he does not incorporate in it "Thou causest the wind to blow and the rain to fall"). But if he did not become aware of the error until after he concluded "Thou quickenest the dead," then he must begin from the beginning of the prayer. If he only said "Thou causest the wind to blow," but did not say "And causest rain to fall," it does not matter at all, and he may proceed with "Thou sustaineth the living" etc. If by error one said *mashiv haruach* at the evening prayer or in the morning prayer of the Holy Assembly (*Sh'mini Atsereth*), he need not repeat from the beginning.

5. We begin saying *tal umatar* (rain and dew) in the evening prayer of the sixtieth day after the *Tishre* season (which is about the fourth or the fifth day of December), and we say it till Passover.

6. If by error one forgot to say "Dew and rain," then if he became aware of the omission before concluding the benediction "Who blessest the years" he says at that place: "And give dew and rain for a blessing upon the face of the earth, and satisfy us" etc., and concludes the benediction as is proper. If he became aware of the omission after he had concluded the benediction, he should continue the prayer, and when saying the benediction "Hear our voice," after the words "turn us not empty away," let him say "And give dew and rain for a blessing, for thou hearkenest, etc." And even if he did not remember his mistake till after he had said "Blessed art Thou," but if he had not said the divine Name, he can say "And give dew and rain for a blessing, for thou hearkenest, etc." But if he only remembered the error after he had concluded the benediction "Who hearkenest unto prayer," he must begin again from "Bless this year unto us, etc." If he recalled his mistake after saying the verse "Let the words of my mouth, etc." he must begin from the beginning of the prayer.

7. If by error one said "Dew and rain" during the summer, he must repeat the benediction "Bless this year"; but if he recalled his error only after saying the verse "Let the words of my mouth, etc." he must begin the prayer over again.

8. If one be in doubt whether he said *mashiv haruach* or not, then if it be more than thirty days since this formula has been included in the

liturgy, so that he had said it ninety times as is proper, the presumption is that he had prayed this time too as is proper, since he is accustomed to it. If this occur during the thirty days, he must repeat the *'amidah*. The same law applies to *tal umatar*: If the doubt arise after he had already said it ninety times in the prayer as is proper, we rely upon the presumption that now also he has prayed properly; but if it be before thirty days, he must repeat the *'amidah*.

9. If one erred at the evening prayer of the first day of Passover and read the week day *'amidah*, and he recalled his mistake after he started reading "Bless this year for us," and according to law he must conclude the entire benediction (Chapter lxxvi, infra), he need not say *tal umatar*, since the congregation also does not say it. If the day on which *tal umatar* is included in the liturgy fall on the Sabbath, and one by error read the week day *'amidah*, and he began saying "Bless this year unto us," he need not say *tal umatar*, since the congregation has not begun saying it yet, and the individual must always follow the public.

10. If one forgot to say *yaaleh v'yavo* (may our remembrance rise, come, etc.) on the new moon in the morning or afternoon service, or during the Intermediate Days of Festivals, then if he remembers his omission before saying "Let the words of my mouth" he should begin again at "Accept O Lord our God;" even if he remembers his omission before he began "We give thanks" (*modim*), since he already concluded the benediction "Who restorest Thy divine presence unto Zion," he must begin at "Accept O Lord;" but if he remembers his omission before the benediction "Who restorest Thy divine presence unto Zion," he says *yaaleh v'yavo* where he reminded himself and concludes with "And our eyes behold, etc." If he only remembers his omission after he has said, "Let the words of my mouth" he must repeat the whole *'amidah*. And on the New Moon if he forgot to say *yaaleh v'yavo* in the evening service, whether there be one or two days New Moon, as soon as he has said "Blessed art Thou, O Lord," and he mentioned the Divine Name, he cannot commence again that benediction, but must conclude with the words "Who restorest Thy divine presence unto Zion," and he must conclude his prayers. The reason for this procedure (that it is not incumbent upon him to repeat the whole *'amidah*) is that the prayer for the sanctification of the New Moon is not said at night.

11. If one forgot to say *yaaleh v'yavo* on the New Moon or on the Intermediate days of the Festivals in the morning service, although he recalls his omission after the *musaph* (in which he has made reference to the New Moon or to the Festival), he must nevertheless repeat the morning *'amidah*. If the time for praying the morning service has passed, he must make up for it at the afternoon service. (As provided in Chapter XXI, infra; vide Chapter XX, 10, infra).

12. Whenever one has to repeat the *'amidah* he must wait (before commencing the repetition) as long as it takes to walk four cubits.

13. If the Reader made a mistake whilst reading the silent *'amidah*, he need not repeat the silent *'amidah* again, in order not to inconvenience the congregation by the delay, but he should depend on his repetition of the *'amidah* in a loud tone (to make up for his error). But if he made the error in the first three benedictions and became aware of it before concluding the prayer so that his repetition will not cause any inconvenience to the congregation, he must repeat it.

14. On a fast day, whether it be public or private, we must say *anenu* (answer us) in the afternoon service in the benediction "Hear our voice," and when coming to the words "times of trouble and distress we conclude with "For Thou hearkenest etc." If one forgot to say *anenu* and did not remember the omission until after he had said the Divine Name in the benediction "Who hearkenest unto prayer," he need not repeat the benediction (in order to say *anenu*), but after concluding the prayer and saying "O my God, etc." and before leaving his position, he should say *anenu* up to "In all times of trouble and distress," and conclude with "Let the words of my mouth, etc." If he remembers his error after he has moved his feet, he need not say *anenu* at all.

CHAPTER XX.

Laws Relating to the Reader's Repetition of the 'Amidah.

1. After the Reader had walked backwards three steps upon concluding the silent *'amidah*, he should remain standing as long as it takes one to walk four cubits. Then he should return to his place and say in an undertone "O Lord, open Thou my lips, etc. " and then begin in a loud tone "Blesed art Thou, etc." Everyone present must be careful to be silent and to hearken attentively and with devotion to what the Reader says, and to respond "blessed be He and blessed be His name" and *amen* to every benediction as is required. It is forbidden even to study during the Reader's repetition, and needless to add that it is essential to avoid conversation. Whoever is able should remain standing, just as though he himself said the *'amidah* either with closed eyes or watching in the prayer book what the Reader is saying. Some people are wont to remove after *k'dusha Rashi's tephilin* and put on *Rabbenu Tam's tephilin*, but they are not acting according to law.

2. At the Reader's repetition of the *'amidah*, since he has already said the silent *'amidah* for himself and he only repeats it for the sake of the listeners, it is therefore necessary that at least nine people should listen and respond, so that the Reader's benediction be not in vain. (And it

cannot be compared to what has been stated in Chapter XV, 7, supra). Therefore if there be an even quorum of ten, it is necessary to be careful that the Reader should not begin the repetition until all of them have finished praying so that they should be able to respond.

3. The Reader must be careful that when he is done with reading one benediction he should not begin another before most of the congregation have responded *Amen*. If he immediately began another benediction, for instance when he concluded "The shield of Abraham" and he immediately began "Thou, O Lord, art mighty," since he began saying the latter benediction, no *Amen* can be responded for the former one, and the punishment for depriving them from responding *Amen* will be borne by him.

4. At the *k'dushah* every one should be careful to have his feet close together, as though they were one foot, and when saying "Holy, holy, holy" and also "Blessed be" and "The Lord shall reign," he should raise himself on his toes, and it is customary to uplift the eyes, and it is proper that they be closed.

5. When the Reader says *modim* (we give thanks), the entire congregation should bow and say the *modim* of the Rabbins, saying it entirely while in a bowing posture. If one read the *'amidah* and heard the Reader say *modim*, then if he be in the midst of a benediction he should likewise bow, but if he is at the beginning or at the end of a benediction, he should not bow, for it is forbidden to make additional bowings either at the beginning or at the end of any benediction to those which were pointed out by the Rabbis, of blessed memory (as provided for in Chapter XVIII, 11).

6. Before the Reader says the benediction "Grant peace," he should say "Our God and God of our fathers, bless us, etc." When he says "The Lord bless thee" the congregation says "Thus may be His will;" but they should not say *Amen*; the same is done when he says "And be gracious to thee" and "And give thee peace." This benediction is said only in the morning and in the *musaph* service but not in the afternoon service. Only on public fast-day, when the benediction "Bestow peace" is said also in the afternoon service, then the Reader also says "Our God and the God of our fathers, etc." But it is not said in the house of a mourner, and not on the ninth day of Ab in the morning service.

7. After the Reader had finished the loud repetition of the *'amidah*, he should say silently "Let the words of my mouth, etc." but he need not recede three steps, because he may rely on the steps taken at the end of the complete *kaddish*.

8. On a public fast, if there be ten persons who fast the whole day, the Reader says *anenu* (answer us) before the benediction "Heal us, O Lord," in the morning and afternoon prayer. If he forgot to say it, then if he remembered his omission before he mentioned the Divine Name of the benediction' 'Who healest the sick," he says *anenu* and the benediction "Heal us" again. If he remembered his omission after he mentioned the Divine Name, he should conclude the benediction "Who healest the sick of his people," and then say *anenu* in the benediction "Who hearest prayer," and conclude with "Who hearest prayer," like the individual. If he forgot to say it even there, he should say it after the conclusion of the prayer without any concluding benediction.

9. The *'amidah* is not repeated aloud unless there are at least six men, which constitute the majority of the quorum, who had just said their prayers. But if there are no six men present who had just said the silent *'amidah*, the entire *'amidah* is not repeated aloud, but one of them reads aloud up to "O Lord, the holy God," and the *k'dushah* is said and then he concludes the *'amidah* silently.

10. Wherever an individual who had erred in his prayers is obliged to repeat, the Reader also must repeat if he erred in reading aloud the *'amidah*, except at the morning service of the New Moon or of the Intermediate Days of the Holidays, for it he had omitted *yaaleh v'yavo* and did not remember his omission until after he had finished his prayer, he is not compelled to repeat it. In such a case, because of the inconvenience (the repetition causes) to the congregation, we rely upon the special reference (of the day) he will make in the *musaph* service. But if he became aware of it before he completed his prayer, he should repeat from "Accept, O Lord," and this will not inconvenience the congregation.

11. Every man is duty-bound to say *k'dushah* with the congregation and respond *amen* after the benediction "O Lord, the holy God," and after "Who hearkenest unto prayer." One is also bound to respond *amen* to all the *kaddishim*, and to bow with the congregation at *modim*. Therefore if one came so late to the synagogue that he is unable to pray with the congregation and he is compelled to pray privately, if the time limit for praying will not pass in the meantime, he should be careful not to pray the *'amidah* at such a time when he can lose the opportunity of saying any of the above mentioned things. He should wait until he make the necessary response and thereafter continue his prayer, but he should not make any pause for this purpose between "Who redeemest Israel" and the *'amidah*, because the mentioning of the redemption and the *'amidah* must be closely connected, but he should wait before saying "With a new song."

12. If one who prays individually is reading the *'amidah*, and upon concluding the benediction "Who quickenest the dead" the congregation is saying the *ḳ'dushah* contained either in "And a redeemer shall come to Zion," or in the benediction "Who formest light" he should not say "Holy" with them, because these *ḳ'dushoth* are not similar (to the one of the *'amidah*). But if the congregation is saying the *ḳ'dushah* of the *musaph*, although he is reading the morning prayer, he should respond "Holy" with them, and so it is vice versa (i. e. if he reads the *musaph* and the congregation reads the morning prayer), because both *k'dushoth* are similar.

CHAPTER XXI.

Laws Relating to the Making Up of Omitted Prayers.

1. As was already explained in Chapter XVIII that if the time for praying was passed due to one's intentional omission, he cannot make up for it. But if the delay was due to ignorance or compulsion, or if he made an error in his prayer which requires his repetition of the prayer, he may make up for it in the service which follows the one omitted. In such event he first must read the prayer which is required to be said at the time and thereafter the omitted prayer; e. g. if he omitted the morning prayer, then when the time for the afternoon service comes, he should first pray the afternoon service, say the Propitiatory Prayers, and thereafter immediately say *ashre* (happy are they) and pray again the *'amidah* for the morning prayer. If he omitted the afternoon prayer, he should then say the evening prayer, wait thereafter as long as it takes one to walk four cubits, and immediately say the *'amidah* for the afternoon prayer, without saying *ashre*. If he did not say the evening prayer, then after the morning *'amidah* (of the following day), he should say the Propitiatory Prayers and *ashre* and then read the *'amidah* for the omitted evening prayer, and thereafter say "For the chief Musician" and "A redeemer shall come," etc. He is not permitted to eat anything until he also says the prayer which is in lieu of the evening prayer.

2. If one did not pray in the prescribed time because he was under the impression that he had sufficient time within which to pray even after he had finished a certain affair with which he was then occupied, and in the meantime the time for the prayer had passed; or if he was preoccupied with his money affairs to save himself from loss, and on account of this he missed the time for praying, although it is not permitted to miss the time for praying on account of saving oneself from loss, still this is to be considered an accident, and he is allowed to make up for it. If one was intoxicated to the extent that it was improper for him to pray, this is also considered as an accident, although he began his illegal drinking when the time for praying has already come.

3. Prayers that were omitted can only be made up for in those immediately following them, but if one delayed it still longer he can no longer make up for it; for instance if he prayed neither the morning nor the afternoon prayers, then he can make up for the afternoon prayer in the evening prayer which immediately follows it, but he can no longer make up

for the morning prayers, because there had passed two appointed times for prayers within which he failed to pray, the time for the prayer originally omitted and the time for the afternoon prayer.

4. On the day the Additional service is said, if one omitted to say the morning prayer, he may make up for it after concluding the afternoon service (since the time for praying the *musaph* is the entire day till night, as is the case with the afternoon prayers, then there are no two time limits that had already passed). After the *musaph* service he cannot make up for the omitted morning prayer (since he makes express mention of the *musaph* sacrifice, it is improper that it should be regarded as morning prayers). But if the time for praying the morning service has not yet elapsed, he may say the morning prayers although he had already said his *musaph* prayers.

5. One can make up for omitted prayers only when saying the prayer immediately following it, but not when he is not praying; e. g. if he waited long after he had said the prayer which must be said at a certain set time, he can no longer then make up for the omitted prayers, because the law that one can make up for an omitted prayer applies only to a case where one is engaged in saying a prayer to be said at a certain fixed time, then he may also make up for the prayer omitted.

6. The version of the prayer for which he makes up must be the same as the version of the prayer which he is obligated to read then; thus if he did not say the afternoon prayers of the day preceding the Sabbath, then in the evening he prays twice the *'amidah* of the Sabbath, although the second one is read for the purpose of making up a weekday prayer, but since it is Sabbath now he must read the Sabbath prayer, and if by error he read the weekday prayer, he must repeat the *'amidah* of the Sabbath. The same law applies to the day preceding the New Moon: if he omitted the afternoon prayer, he must read twice the *'amidah* at the evening prayer and say in both *yaaleh v'yavo*. If he omitted the evening prayer of the New Moon and then makes up for it in the morning, if he forgot to say *yaaleh v'yavo* in the second reading of the *'amidah*, he must repeat it (although he makes up for the evening prayer, and in the evening if he forgot to say *yaaleh v'yavoh* he is not bound to read the *'amidah* over again). On the Sabbath if he neglected to read the afternoon prayer, then in the evening he reads the weekday's *'amidah* twice, but with this difference, that in the first reading he says "Thou hast favored us" etc., and in the second reading this prayer is omitted. The reason for this is that the prayer "Thou hast favored us" is like the *habdalah* (separating the Sabbath from weekdays), and we do not read the *habdalah* twice in the prayers. The same law applies to a case vice versa: if he omitted to say the evening prayer on Saturday night, then on the following morning he reads the *'amidah* twice and in the second reading he says "Thou hast favored us," because according to the original rule of law *habdalah* has to be read while praying.

7. If one erred at the afternoon service of the New Moon and neglected to say *yaaleh v'yavo* and the following day is no longer New Moon, so that even if he does repeat the *'amidah* at the evening service he will gain nothing thereby because he can no longer say then *yaaleh v'yavo*, and without this prayer he has prayed his afternoon service, therefore he need not pray anything additional in order to make up for the omitted prayer.

8. Although the time for reading the *musaph* prayer is the entire day and the evening prayer is the one that immediately follows it, nevertheless one cannot make up for it (in case it is omitted) at night, because this prayer was instituted for "That the prayers of our lips be accepted as the offering of steers," and since the time passed no offering can be sacrificed.

9. If one needs to read the morning or the evening prayer twice, if he be the Reader his duty of making up the omitted prayer is made up by that he reads the *'amidah* in a loud voice.

10. If one is in doubt whether or not he has prayed, in our days he need not repeat the prayers.

CHAPTER XXII.

Laws Regarding Propitiatory Prayers.

1. After the prayer of *'amidah* we say the Propitiatory Prayers while reclining the head, and it is not permissible to indulge in conversation between the *'amidah* and the Propitiatory Prayers.

2. At the morning prayers, since the *tephilin* is on his left arm, he has to recline on the right, in honor of the *tephilin*, and at the afternoon service, he has to recline on the left.

3. The rite of reclining on the arm, is to be performed sitting, but it may, in case of emergency, be done while standing. After the propitiatory prayers we say, "And we do not know," which is likewise to be said while sitting, and thereafter we stand and say "What to do" etc.

4. The rite of reclining is to be performed only in a place containing a scroll of the law, but in a place where no scroll is found, although there may be contained some other holy books, we do not recline, but we say the Psalm without reclining. When praying in the corridor of the synagogue, if the door of the synagogue is open, it is considered as if the scroll of the Torah were contained therein.

5. When praying in the house of a mourner, or in a house wherein a corpse is found, although there is no mourner, the Propitiatory Prayers are not said during the seven days of mourning, even at the afternoon service of the seventh day (it is omitted). It is customary that also upon re-

turning home they do not say it. If there be a mourner at the synagogue, the congregation does not follow him and they do have to say the Propitiatory Prayers, while the mourner himself need not say it.

6. The Propitiatory Prayers are not said in a synagogue where a circumcision takes place, or when the father of the child to be circumcised, or the god-father or the circumciser pray therein, even though the circumcision take place elsewhere. If the afternoon service is read in the house when the circumcision takes place, either before the repast in honor of the rite takes place, or during the repast, the Propitiatory Prayers are not said. But if the afternoon service is said after grace, the Propitiatory Prayers are said (by those in attendance); but the father of the one circumcised, the god-father and the circumciser, do not say it, even after grace, because it is their festival.

7. The Propitiatory Prayers are likewise omitted in a synagogue where a bridegroom is present, during the seven days of bridal festivity; this applies only to a case where neither the bridegroom nor the bride have been married previously. But a widower who marries a widow enjoys this exemption (concerning the Propitiatory Prayers) for three days only, and thereafter they must be said. On the day the wedding is to take place, the Propitiatory Prayers are said at the morning services, but at the afternoon service, read immediately before the wedding, these prayers are omitted.

8. The Propitiatory Prayers are not said on New Moon, the fifteenth day of *Ab*, on the fifteenth day of *Sh'vat*, *Chanukah*, *Purim*, *Shushan Purim*, and the two days of *Purim Katon* (in leap years), the thirty-third day of the *Omer*, during the entire month of Nisan, the ninth day of *Ab*, on the days between the day of Atonement and the Tabernacles, from the New Moon of *Sivan* till after the day following Pentecost, and on the day following Tabernacles. In all these cases the Propitiatory Prayers are to be omitted at the afternon service preceding the days above enumerated, but at the afternoon service on the day before New Years, and the day of Atonement, the prayers are to be read. On the day preceding New Years, they are also read at the *s'lichoth*, but after that they are not read that day.

9. On Monday and Thursday, because they are days favorable to God, for the reason that during the forty days of receiving the second tablets, Moses our Teacher ascended to heaven on Thursday and descended therefrom on Monday, therefore we increase our supplications and read Special Supplications (*V'hu Rachum*) before the Propitiatory Prayers. These are to be read while standing and with great devotion and slowly as is customary when supplications are said; but on the days when the Propitiatory Prayers are to be omitted, this additional prayer is likewise omitted.

10. After the Propitiatory Prayers, half-Kaddish is said, and on Monday and Thursday the prayer "God who art long-suffering" etc., is said while standing. (Vide chapter xxviii, 2, Supra, as to when it is to be omitted).

CHAPTER XXIII.

Laws Regarding the Reading of the Scroll of the Law.

1. Upon taking out the scroll of the law from the holy ark, to be carried to the desk whereupon the law is read, it is to be carried northwards, i. e., to the right of the one who carries it, and when it is taken back to the holy ark, it is to be carried southwards. The one who carries the scroll of the law must carry it in his right arm, and it is incumbent upon every one past whom the Torah is carried to accompany it to the reading desk.

2. He who is called up to the Torah should enwrap himself in a *talith* with fringes and should take the shortest way for going up to the reading desk, and the longest way for going down. If the two ways are equally distant, he has to ascend at his right and descend at his left. It is customary not to descend till after the one called up after him has said the last benediction, and he descends at the interval between the calling of the persons.

3. The scroll is opened and the one called up looks at the place to be read, and he takes hold of the handles when it is thus opened, closes his eyes and says aloud "Bless ye the Lord who is to be blessed." He must say it aloud so that the entire congregation may hear it and respond "Blessed is the Lord who is to be blessed for ever and ever". If the congregation did not hear him say it although they heard the reader respond to it, they should not respond with him, only after the Reader concluded it, the congregation responds after him with *Amen.* After the congregation responded "Blessed is the Lord who is to be blessed for ever and ever," the one that is called up repeats it and continues with the benediction "He who hast chosen us etc.", to which the congregation responds *Amen.* He then removes from the scroll his left hand and holds on to the scroll with his right hand only. The Reader then reads the portion and the one who is called up follows him silently. The Reader is not permitted to begin reading the portion until after the entire congregation has uttered *amen.* It is the duty of the congregation to listen with extreme attention to the reading of the scroll. After the reading the one called up takes hold of the scroll with his left hand also, rolls it up and says the benediction "Who hast given us," etc.

4. It is prohibited to take hold of the scroll itself with the naked hand, but we must take hold of it either by means of the *talith,* or take hold of its rollers. Some people are more strict about it, to the extent that even the rollers they do not take hold of with their naked hand, but by means of the *talith.*

5. Both the one who is called up and the reader, must stand while the scroll is read. It is prohibited to lean against anything, because it is necessary to stand erect with awe and fear; for, just as the Torah was given through fear, we have to regard it with fear. But, he who is feeble is permitted to lean somewhat.

6. At the time the one who is called up to the Torah says "Bless ye" and the congregation responds "Bless ye the Lord who is to be blessed for ever and ever", the entire congregation must remain standing, but when he says the benediction "Who hast chosen us", also while the portion is read, and during the reading of the last benediction, it is not necessary that the congregation be standing. But they who are particular in performing precepts are inclined to be strict about it and remain standing. And so it is proper to be done, but at the interval between the calling up of the persons, it is not at all necessary to adopt the stricter opinion.

7. If the Reader himself is called to say the benediction of the Torah, it is necessary that somebody stand along side of him; for just as the Torah was given through an agent (our teacher Moses, peace be unto him) so we too must go about it through an agent.

8. As soon as the reading has commenced, the entire congregation is prohibited to indulge in conversation even regarding matters of the law, even in the interval elapsing between the calling up of the persons. It is prohibited to leave the synagogue when the scroll is read, but at the interval between the calling up of the persons when the scroll is rolled up, one may leave the synagogue, if very urgent.

9. If there be a Priest in the synagogue, he must be called first to the law. Even if he be an ignorant person, but honest, he has preference above the sage. Even if the Priest be willing to wave his right it is of no avail. After the Priest a levite is called up, and if there be no Levite, the Priest is again called in his stead, and we say "In the stead of the Levite". If there be no Priest in the synagogue we call a Levite in his stead or any Israelite, but it is proper to call up the one who is the most learned among those present. And we say, in case there is no Priest, "Levite in the stead of a Priest." or "An Israelite in the stead of a Priest." If an Israelite be called instead of a Priest, then a Levite should not be called up after him. In a settlement where all of them are either Priests or Levites, a sage is to be consulted as to how to act in such event.

10. If the priest be ocupied in saying the *sh'ma* or its benedictions, or the *'amidah*, even if no other Priest be present, he should not be called

up. There is no need to wait for him, for delay causes inconvenience to the congregation. We then call up a Levite or an Israelite and we do not say "There is no Priest present" but we say "Levite," or "Israelite instead of a Priest." Should, however, the Priest be called up, and if he happened to read the *sh'ma* or the benedictions thereof, he goes to the reading desk and says the benedictions, but he must not read with the Reader but only listen. Nevertheless, if possible, he should read the section he is saying to a place where the subject ends before he ascends to the desk. If he were saying the *'amidah* and he was called up, he must not go. Likewise if he be between the benediction of the redemption and the *'amidah*, he should not go up; but if he be in the midst of the prayer "O God, guard, etc." he should go up. If he were saying the special verses of the Psalms, he should be called up if there be no other Priest present, but he should not in such case read together with the Reader; but if there be another Priest present, the former should not be called up. And this rule applies to a levite as well.

11. If a Priest or a Levite be called up and if neither be present, they do not call up another person in his stead by name, so that people should not say about the former one that he was unfit to go up to the Torah, but they simply request the latter to go up. The son of the absent one may be called by name, for this will no longer be a reflection upon the father, because if the father were unfit for that purpose his son would likewise be unfit. Likewise if the Priest or the Levite cannot go up because he was saying the *'amidah*, another one may be called up by his name, because all can see that the former does not go up because he is not permitted to do so. If an Israelite be called and he is not there, another Israelite may be called up by name, because no question of unworthiness applies in this case. Likewise if a Priest or a Levite were called up to the last portion or as Maftir on Sabbaths or on Festivals and he is not present another may be called up by name.

12. If there be no Priest in the Synagogue, or if he happened to be there and they did not know it, and they called in his stead an Israelite who went up to the Torah, even if the latter already said "Bless ye the Lord who is to be blessed, but he has not as yet commenced the benediction "Who hast chosen us," then if a Priest came in or if they became aware that a Priest had been there, they call up the Priest who goes up to the Torah and he too says "Bless ye" etc. As for the Israelite, in order not to put him to shame, he should remain there until the Priest and the Levite have been called up and then he is called up. But if the Israelite (called up under the circumstances above mentioned) had already mentioned the Name in the bendiction, i. e., he had said "Blessed art Thou, O Lord," the Priest cannot be called up. This rule also applies to a case where they called up a Levite in the stead of a Priest, and a Priest came in before the Levite had said "Blessed art Thou, O Lord," the Priest goes up and the Levite remains and he is called up after him. This rule of law applies also to a case where there was no Levite and they called the Priest also in the place of the Levite, and thereafter the Levite

had come in before the Priest said "Blessed art Thou, O Lord," they call up the Levite and he has to go up to the Torah.

13. Two brothers should not be called up to the Torah in succession, whether they are brothers of one father or of one mother; and so a father and a son or a grandson should not be called up in succession, because of an evil eye. This is true even if they say that they are not particular about it, and even if one is called for the last section and the other is called as *maftir*. The last rule of law applies only to Sabbaths when no additional scroll is taken out for the reading of the *maftir*, but when an additional scroll is taken out for the reading of the *maftir*, it is permissible. Is is also permitted in case where the one called up as *maftir* is not yet *Bar Mitzvah*. And in all these cases if they were called up and already went up to the Torah, they need not go down. In the case of two brothers from one mother or in the case of a grandfather with his grandchild if they were called up in succession, they should go up, and where the occasion requires it is even allowed to originally call up the two last mentioned in succession.

14. If a person has been called up in one synagogue and came to another where he is again called up, even if it be to the same section to which he had already been called up, nevertheless he should go up to the Torah again and say the benediction.

15. On a public fast day when the section *Vayhal* (and he supplicated) is read only those who fast are to be called up to the Torah. If there be no other Priest present except the one pho either does not fast at all or one who does not intend to conclude the fast after the service, then an Israelite or a Levite is called up in his stead. It is best that the Priest should in such event leave the synagogue. If there be another Priest present he need not leave, but he has to notify them that they should not call him up, and if they did call him, he should not go up. If the fast fall on a Monday or a Thursday, although the section *Vayhal* is read, nevertheless since the Torah is to be read on these days (even when not a fast day) if he did not go out from the synagogue and he was called to the Torah, he should go up.

16. Likewise if one reside in Palestine, where only one day of festivals is observed, and he came to another country where he attended synagogue on the second day of a Festival, he should not be called up to the Torah. The law in such case is the same as that laid down in the preceding paragraph.

17. It is customary to call up a blind man to the Torah, and although the law is that "Words written in the Torah must not be read by heart," but since nowadays the Reader reads the portion to him, it is permissible. It is the custom not to make investigation whether he is a learned man or ignorant, for it is presumed that he is able to follow the Reader.

18. If the one called up to the Torah has been shown the place whence the reader was to begin and he said the benediction, and thereupon they became aware that this was not the proper place but that they have to begin with another place, whether the reading was already begun or not, if the place necessary to begin the reading was also revealed before him, even if it be in a different column but follows the place shown to him, he need not say the benediction again, because it was his intention to say the benediction over the place shown to him and for whatever is revealed before him. But if the proper place was not revealed before him but they have to roll the scroll (to find the proper place) or even if the place was revealed before him but it precedes the place shown to him, he must say again the benediction "Who hast chosen us," but he does not have to say "Bless ye" again, and before repeating the benediction he should say "Blessed be the name of the glory of his kingdom for ever and ever" for the first benediction he said in vain. If he only said "Blessed art thou, O Lord" (before they discovered their mistake), he should conclude the benediction with "Teach me Thy statutes." If the place where the reading is to be begun precedes the place improperly shown to him, but it adjoins it, so that they can also read three additional verses from the place over which he pronounced the benediction and continue to the proper place, because it is all contained in the portion of the day, it should be so done, and he need not say the benediction again.

19. It is necessary to read at least three verses to every one called up. Monday and Thursday and at Sabbath afternoon service it is necessary to read to all called up at least ten verses in all, and it is proper to read to the last one at least four verses. But if only nine verses have been read to all of them, three to each, this is valid. On Purim only nine verses are read in all, and this is due to the fact that the subject ends there.

20. He who reads in the Torah should not stop where he does not leave over at least three verses before the end of the portion, whether it be *pethucha* or *setthuma* (where *pe* or *sammech* is printed in the text). If the one called up had already said the benediction after the Reader concluded leaving less than three verses before the next portion, it is not necessary to commence the reading for the one called up next from the preceding verse; the Reader commences only from the place where the previous reading was concluded and he must read three additional verses of the next section. It is permitted to terminate the reading adjoining a section that consists of only two verses. If the section ends in the middle of a verse, e. g., at the beginning of the section Pineahs, it is permitted to terminate the reading even with the verse adjoining it.

21. One should not begin reading less than three verses from the beginning of a section, and therefore the one preceding him should not terminate his reading less than three verses after the beginning of a section.

22. The Reader should have it in mind to begin with a subject favorable to Israel, and also end with a subject favorable to Israel, and he should not end the reading where it is mentioned that one did some evil.

23. If only two verses were read and the one called to the Torah had already said the benediction read at the termination of the reading, it must be read over again. He must then say the benediction before the reading and the one thereafter, and since after the saying of the second benediction there was a diversion of mind, he must therefore begin with Barchu (bless ye) again. The reader then reads the two verses over again and adds a third verse. If this happened with the third person that was called up (and to the two persons called before him only three verses were read to each one), then it is necessary to read two additional verses making it altogether four verses. If this happened with a Priest, that only two verses were read before him and thereafter a Levite was called up and they became aware of the error, then the law is as follows: If the Levite had not as yet said the first benediction, even if he had said *Barchu* this does not constitute the beginning of the benediction, they must read to the Priest from the Torah again making a total of three verses, and the Levite should wait and read thereafter. But if the Levite had already said the benediction, then they should read to the Levite from the place where the Priest left off (because if they should read to the Levite the same verses that were read to the Priest, it would tend to discredit the Priests that are present, because people would say that a Levite was the first to read in the Torah); then after the Levite two Israelites should be called, to complete the necessary number of three that are to be called up, for the Priest is not to be counted (because only two verses were read to him). If this happened to a Levite that only two verses were read to him, and the Israelite called up had already said the benediction, the two verses read to the Levite should be repeated adding to it one more verse, and then another Israelite should be called up to complete the necessary number of three. If there were no Priests in the synagogue and they called up an Israelite in his stead, and it so happened that they read to him only two verses and did not recall the error till after another Israelite was called up who already said the benedictions, then they should begin for the second Israelite from the beginning of the section; the first one should then wait to be called up as the next one, and after him another Israelite is called up.

24. A minor should not be a Reader of the Torah, neither should he be called up to say the benediction over the Torah. (Vide lxxix, 9)

25. After the reading of the Torah half-Kaddish is said, and then the scroll is raised. He who raises the scroll should open it so that three columns of the script be visible, and (whilst it is open) he must show it on his right and on his left, in front and behind him, for it is the duty of everyone to see the script and say "And this is the Torah" etc. Then the scroll is rolled up, and it is proper to so roll it up that the sewing should be in the middle between the two rolls. It should be so rolled up that the nearest sewing be in the centre; if the seam preceding the part read be the nearest then it should be rolled towards there, and if the seam after it is the nearest it should be rolled towards that direction, for it is best to lessen the rolling on account of the honor due to the Torah.

26. Whenever the Torah is read, half-Kaddish is to be said at the conclusion, except at the Saturday afternon service, and at the afternoon service of a Fast day, for on these ocasions we depend upon the Kaddish said before the *'amidah* prayer.

27. On Mondays and Thursdays, after the lifting up of the scroll, the Reader says "May it be the will" etc., to which the congregation must listen and respond *Amen.* Whenever the Propitiatory Prayers are not said, "May it be the will" is likewise omitted.

28. After that the scroll of the Torah is placed into the holy Ark, and it is the duty of everyone before whom the scroll of the Torah is passed, and also of the one who raises it and the one who rolls it up to accompany it up to the holy Ark.

29. In a place where there is no Scroll, someone should read aloud from a printed Pentateuch and the congregation should listen, so that the law of reading the Torah be not forgotten.

30. If a quorum of ten pray and they have no scroll of the Law, a scroll must not be brought to them for the purpose of reading the law, even if they be confined in a prison and it be the New Year or the Day of Atonement. But if they prepare an ark or a reading desk a day or two previously so that they have a fixed place for the scroll of the law, it is permitted to bring the Torah then. For the sake of a worthy man who is an invalid it is permitted to bring a scroll of the Law merely for the purpose of reading out of it. This rule may be made more lenient on the Sabbath when the section of *Sachor* or the section of *Parah* is to be read, because there are authorities who hold that these readings are prescribed by the Biblical law.

CHAPTER XXIV.

Laws Regarding Mistakes and Defects that may be found in the Scroll of the Law.

1. If in the Scroll of the Law be found a defect due to some mistake, if the error be a serious one it is not permitted to read out of it and another Scroll of the Law is required. And what constitutes a serious mistake? If, for instance, if there be a superfluous or deficient letter, or even if a single letter were changed so as to vary the reading, e. g. *tomim* (perfection) and *t'omim* (twins); *migr'shehem* (their (m.) suburbs) and *migr'shehen* (their (f.) suburbs), although the meaning be the same, nevertheless since the reading is not the same, it is considered a serious defect. If the mistake be of such a nature that it might be read in the same way as it would be written properly, but it is so written that the meaning is changed thereby, e. g. in the portion *T'rumah* (Ex. xxv, 1 ff.) "and a cubit and one half *rachbo* (its width) (ibid. 10), if in place of *rachbo* (with *vav* at the end) we found *Rachah* (with *he* at the end), al-

though (even in the last instance) the *beth* (with *he*) could be pronounced with a *Cholam* (a vowel having the *o* sound), nevertheless since as it is now written it is a mistake because it alters the meaning of the word, it constitutes a serious mistake. But if the mistake be one that alters neither the pronunciation nor the meaning of the word, e. g. instead of *avotham* (their fathers) with a *vav* after the *beth* it is found to be without a *vav*, or vice versa; also in a place where it has to be with a *yod*, which is merely a servile, for instance *avotheichem* (your fathers), is found written without a *yod*, or vice versa, or any case similar to this one, there is no need for taking out another scroll of the law (because the scrolls of law in our times are not so exact that we can say that one is more fit than the other). But if there be lacking a radical *yod*, e. g. in the verse "What ails thee Hagar, fear thou not" (Gen. xxi, 17), the word *tiri* is written without a *yod* after the *tav*, or in the verse "Fear not Abram" (Gen, xv, 1), the word *tira* is writen without a *yod* (which in both instances changes the meaning from *fear* to *see*), then another scroll of the law should be taken out.

2. If a single letter be split so as to make it appear like two, or if two letters are so near to each other as to look like one to a child (as provided in section v, infra), or if there be found a superfluous word which is either entirely out of place or a reduplication, or if there be a change in the form of the division of sections, e. g. a *pe* where a *sammech* ought to be or a *sammech* where a *pe* ought to be, or there is an unnecessary division in a portion, or if a necessary division is wanting, all these cases constitute a serious defect and another Scroll must be used.

3. If one letter be joined to another, if it be clear that this arose after the Scroll had been written, it may be used providing the shape of the leters be not changed. But if it is evident that it arose when it was being written, then if the letters were joined before they are quite finished, e. g., if the letter *nun* be connected with the leg of a *tav*, the Scroll is unfit for use; but on a week day one may make the necessary erasure to separate them. If the letters became joined after they had been written, the Scroll may be used, and another Scroll need not be taken out.

4. If a letter had lost its shape, whether this happened at the time it was written or thereafter owing to the presence of an aperture, then the Scroll is unfit for use. But if the aperture be in the middle of the letter or outside of it, so that the shape of the letter remains but it is not surrounded by parchment, and it is evident that the aperture had been made after

the letter had been written, then the Scroll is fit for use, because at the time the letter was written it was surrounded by parchment. If the ink had faded from any letter so that it is not black as is proper, the Scroll is unfit for use.

5. If there be any doubt as to whether any letter has its proper shape, it is shown to a child who is neither too clever nor too silly (i. e. one who does not understand the contents but knows and understands the letters), and if he read it properly the Scroll may be used, otherwise it is unfit for use. If several children differ, the view of the majority prevails. It is only in case we are in doubt that we resort to the child, for then it is merely the ascertaining of a fact, but when we see that the letter is not as it should be, or when the upper part of the *ayin* or the *shin*, or the lower part of the *tav* or similar letters be missing, the Scroll may not be used, although a child is able to read it, for in this case we see with our eyes that the letter is not as it should be.

6. When shown to a child it is not necessary to cover the letters following (the one in doubt), but it is customary to cover the letters preceding it. If a part of a letter be separated by a hole and a part of the letter be left below the hole, and we are in doubt whether there is enough left of the letter up to the hole to make up the required limit, it is necessary to cover the part below the hole because the child may join that part while in reality it has no connection with the above. Also if the ink of a part of a certain letter faded and some trace of it be left, it must be covered in order that the child may not connect it (with what is left).

7. If a defect be found in the Scroll which involves the need of taking out another Scroll, then if it be discovered between the calling up of two people, another scroll is taken out and the reading is begun where the previous reading was concluded and the number of those to be called up is completed. All who had been called up to the defective Scroll are reckoned among those to be called up. If it be Sabbath, then if it be possible to read in the exchanged Scroll seven people, it should so be done, because in any event it is customary to call up more than the required number.

8. If the defect be found in the middle of the reading, there are diverse opinions and customs regarding this, and everywhere one should follow the prevailing custom. In a place where there is no fixed custom, it seems to me that it is proper to do as provided for in the *Shulchan Aruch*, namely, not to say the benediction over the defective Scroll; the reading must be stopped forthwith, another Scroll should be taken out, and the reading should be commenced from where we left off in the other Scroll. If this happened in the middle of a verse, it seems to me that the reading should be started from the beginning of that verse, the portion

should be concluded (and it would seem that at least three verses should be read for him in the proper Scroll, and if there are no three verses left to the end of the Section, they should begin a little before this place) and the last benediction should be said; but he need not repeat the first benediction because we take into consideration the benediction said over the defective Scroll. (And it is self evident that if possible they should call up seven persons in the proper Scroll, as provided for in the preceding section). The same rule of law would apply to a case where they have not commenced to read at all for the one called up, because the defect was discovered immediately after the first benediction was said. In this case we also take out another Scroll, and there is no need for repeating the first benediction. In this regard no distinction is to be drawn between the last portion of the reading to the other parts. (As relates to Maftir with respect to this, vide lxxviii, 5, infra).

9. If a defect be found in the Scroll of the Law and there be no other one, we complete reading in it to the required number of people to be called up without saying the benedictions. (Vide lxxviii, 8; and lxxix, 10, infra).

10. There are some authorities who are of the opinion that if a defect be found in one of the five books of the Pentateuch, it is permitted to read in it another book of the Pentateuch; e. g. if the defect be in the book of Genesis, it is permitted to read in it, saying the benediction, in the book of Exodus. One may rely on this opinion in cases of emergency; i. e., when there was not sufficient time to mend it or it was discovered on the Sabbath or on a Festival. Nevertheless at the Afternoon service on the Sabbath this Scroll is not to be used, because this reading is not a duty, as it was established only for the sake of those who do not come to the synagogue on Monday and Thursday.

11. If the sewing between the skins of the parchment of the Scroll be rent, then if the greater part thereof remain intact, we may read therein; if not, we must take out another Scroll. If there be no other Scroll, then if the rent be in that book of the Pentateuch which has to be read, we do not read therein unless there remain over at least five complete stitches, but if the rent be in another book, we read in the Scroll although only two stitches remain.

12. If a drop of wax or fat be found upon a letter or word, then if it be on a weekday it may be removed, but if it be on a Sabbath or a Festival, the Scroll may be read if the letters are visible; but if the letters be so thickly covered so as to be invisible, then if it be in a place where the reading does not occur, the scroll may be used and the benedictions may be said; if it be in the place where the reading occurs, and since it is prohibited to read even one word other than from the written text, therefore if it be possible to remove the wax or the fat indirectly, i. e., if it were

so thoroughly dry that by bending the parchment it would come off, it may so be done, otherwise it must not be read therefrom. When the wax or the fat is removed on weekdays, if it cover the Divine Name, care must be taken that the letters be not erased, God forbid, but the reverse side of the parchment should be warmed up so that the wax or the fat come off.

CHAPTER XXV.

Laws Relating to Ashre and Uva L'Zion to the Conclusion of the Prayers.

1. "Happy are they" and "A Psalm of Praise of David" etc. are then said (Ps. cxlv), and one should ponder well while reading it, and especially should one meditate well when reading the verse "Thou openest Thy hand" etc.

2. Thereafter "For the Chief Musician" (Ps. xx) is said. And these are the days upon which it is omitted: New Moon, Hanukah, Purim, and in an intercalated year on the fourteenth and fifteenth days of the month of Adar I, the day before Pasover, the day before the Day of Atonement, and the ninth day of Ab; neither is it said in the house of a mourner; and on the day the chapter "For the Chief Musician" is omitted, "O God, who art long suffering," is also not read.

3. The *k'dushah* contained in "And a redeemer shall come to Zion" is to be said with the *Targum* (Aramaic translation) thereof; care should be taken to say it with great devotion; and the Targum is to be said in an undertone.

4. No one should leave the synagogue before saying this *k'dushah*.

5. One should show this *k'dushah* honor by saying it with the congregation, and therefore if one should come to the synagogue when the congregation is saying it, he should say it with them even if it be before his prayers. He may say this *k'dushah* before saying the two verses preceding it, i. e., the verses "And a redeemer shall come to Zion" and "And as for Me, this is my covenant," and upon concluding the *k'dushah* say these two verses. Needless to add that he may skip *ashre* (happy are they) and *lamnazeach* (for the Chief Musician), in order to say this *k'dushah* with the congregation and afterwards say what he has omitted.

6. Then we say "It is our duty to praise, etc." and this should be said with great fear and awe. This prayer was instituted by Joshua upon the conquest of Jericho. Thereafter we recite the Psalm for the day and other Psalms, every one according to the custom of the locality.

7. When leaving the synagogue we say the verse "O Lord lead me" (Ps. v, 8), and we bow towards the holy ark, just as a pupil departs from the presence of his master. When going out from the synagogue we must not turn our backs towards the ark, but we must go out sideways, and so must it be done when descending the reading desk.

8. When going out from the synagogue it is prohibited to run or to walk with great strides, because this would tend to show that his stay at the synagogue was a burden for him. This applies only to a case where one is going to attend to his business, but if one should go from the synagogue to the house of study it is his duty to hasten his step.

CHAPTER XXVI.

Rules Relating to the Mourner's Kaddish.

1. Many stories are found in the Midrashim to the effect that because of the son's saying *kaddish* for his father or his mother they are saved from judgment. It is therefore customary (for a mourner) to say *kaddish*, to be called up *maftir* and to act as Reader before the congregation, and particularly so at the termination of the Sabbath which is the time when the souls are returning to the Gehena; and this is true of every evening, because the judgment is then rigorous. In the matter of *kaddish* there are many diversities of opinion, all depending upon the prevailing customs.

2. During the seven days of mourning, whether he be a minor or an adult, whether he be a member or a stranger, he is entitled to say all the *kadishim*, and he debars all other mourners (from saying *kaddish*). Even if a Festival fall within the seven days of mourning which has the effect of annuling the decree concerning the seven days of mourning, or if the Festival fall after the seven days of mourning which has the effect of annuling the decree concerning the first thirty days of mourning, the law regarding *kaddish* is not effected thereby. The principle that a part of the day is considered like the whole of it (relating to the seven days of mourning) likewise has no application to *kaddish;* so that even at the afternoon service of the seventh day the mourner has the preference of saying all the *kaddishim*. The seven days of mourning and the first thirty days are counted from the day of the burial; if the mourner did not become aware of it immediately and thereafter observes the seven of mourning, nevertheless as regards *kaddish* the law of the seven days of mourning does not apply. If the death occur on a Festival, we likewise count, as regards the *kaddish*, from the day of the burial (and not from the day they begin observing the days of mourning).

3. If there be also a Jahrzeit at the Synagogue, then if the one observing the seven days of mourning be a minor who goes to synagogue during the seven days of mourning, then the Jahrzeit has only one *kaddish*. If there be many Jahrzeits, each one has one *kaddish*, even if the minor be, on account of that, entirely debarred from saying *kaddish*; but if there be many who are in the first thirty days of mourning, then the minor observing the seven days of mourning is not entirely debarred because of them. But if the mourner be an adult who does not go to synagogue during all the seven days of mourning, although he prays at his home with a quorum of ten, nevertheless when he comes to synagogue on the Sabbath he says all the *kaddishim*. And if there be also a Jahrzeit, the former is also entitled to say all the *kaddishim*, excepting one *kaddish* over which

lots have to be cast (as to who should say it). But in case the seven days of mourning were interrupted either by an intervening Festival or when the death occurred on a Festival, then the law of a minor is to be applied to him, since he is able to go to synagogue every day.

4. A child and an adult observing the seven days of mourning upon coming to synagogue on the Sabbath have the same privileges as relates to the saying of the kaddishim, and if there be also a Jahrzeit, he is debarred on account of the adult, and therefore the adult has one more kaddish than the minor in this case, i. e., the one which the minor was supposed to give to the Jahrzeit.

5. A Jahrzeit and also one in the first thirty days of mourning take precedence before the mourners who are observing the year of mourning; nevertheless they too have some of the kaddishim. It is proper to make it as a custom that the kaddish of the Rabbins and also the kaddish after alenu should belong to the Jahrzeit or to the one observing the first thirty days of mourning, while the rest of the kaddishim should belong to the other mourners if their number is equal to the number of the kaddishim.

6. As between a Jahrzeit and one in the first thirty days of mourning, where there is room, the latter has the preference and the Jahrzeit has only one kaddish; but if there are many Jahrzeits every one of them is entitled to one kaddish, even if in such event the one who keeps the first thirty days will be entirely debarred, because the latter will have the opportunity to say kaddish on the morrow, but the Jahrzeit if he does not say it today his opportunity is gone.

7. If there are two mourners with equal rights, then they cast lots. And if one was privileged by lot to say the *kaddish* at the evening service, the other man is entitled to one *kaddish* at the morning service without casting lots, and as for the third *kaddish* that is left, lots are to be cast. If there are many to say *kaddish* lots are to be cast, and the one privileged by the lots does not participate in the casting of lots again until each mourner has said one *kaddish*.

8. A member has preference over a stranger (if he is not observing the first seven days of mourning.) If there be a member who has Jahrzeit and a stranger who has Jahrzeit, the latter has no right whatever. If there be a member who either observes the first thirty days of mourning or the rest of the year and a stranger who has Jahrzeit, the latter is entitled to one *kaddish*. If there be a member having Jahrzeit and member in the first thirty days of mourning and a stranger having Jahrzeit, then the last named has one *kaddish*, and the member who has Jahrzeit cannot say to the stranger: "I am entitled to preference," for the latter can respond: "I have not taken this one *kaddish* from you, but from the one who is in the first thirty days of mourning." The member having Jahrzeit says the first *kaddish*, the stranger says the second *kaddish*, and the one in the thirty days says the third *kaddish*.

9. A stranger in the first thirty days of mourning and a member in the rest of the year of mourning have equal rights.

10. If there be a member who has Jahrzeit and a stranger in the first thirty days, the member says the first and the second *kaddish* and the stranger says the third *kaddish*.

11. A stranger in the rest of the year of mourning is entitled to one *kaddish* among the members if they also be in the rest of the year of mourning.

12. A member with respect to the above is one who has a permanent residence in the community although he pays no taxes, or if he pays taxes in this community although he does not reside here. If one came from a different place to say *kaddish* after his father or his mother where they had resided, although they were legal residents here, but since this son neither resides there nor does he pay taxes in that community, he does not enjoy the rights of a resident. If a resident employ a teacher or a servant who are single they are to be considered as residents of the community, but if they have wives residing elsewhere, they are considered as strangers. A student at college and a teacher who instructs children of many of the residents, although they have wives residing elsewhere, are considered as residents of this community. If one raise an orphan, even for a remuneration, if the orphan has neither a father nor a mother he is considered a resident of this community; but if the orphan have either a father or a mother alive, although he be raised only in a charitable way, he is considered a stranger.

13. If one, who steadily prays at one synagogue or a house of study come to another synagogue, the mourners there may entirely debar him from saying *kaddish*, even if he be observing the first seven days of mourning, for he has less right than the stranger, for the latter has no other place where to pray and to say *kaddish* while the former has.

14. The one who is competent and fit to act as Reader should do so for this is preferable to the saying of *kaddish* which was originally made for minors. The one who is unable to read the entire prayer, should at least begin from "Happy are they" and "A redeemer shall come unto Zion, etc." The one who has priority rights in as far as the saying *kaddish* is concerned, e. g., within the seven days of mourning or within the thirty days, has also priority rights as regards the acting as Reader. It is customary that a mourner does not act as Reader on the Sabbath or on Festivals. However, if prior to his having become a mourner he had been accustomed to act as Reader on the Sabbath and Festivals, he may also act as such during the mourning period.

15. If two men have equal rights in the saying of the *kaddish*, and both of them are able to act as Reader and are equally acceptable to the congregation, lots should be cast among them to the effect that one should officiate up to "Happy are they" and "A redeemer shall come to Zion" and the other to conclude it. And if one of them is unable to act as Reader, or if one of them be unacceptable to the congregation, and the other one officiated, the latter has thereby not lost his rights to say the *kaddishim*. Nevertheless it is proper for him to forego his right and leave one *kaddish* for the one who has not acted as Reader, especially so when they are minors.

16. If one be a mourner for his father as well as for his mother he does not enjoy any rights above those of any other mourner with reference to officiating or saying *ḳaddish*, because one memorial suffices for both parents.

17. It is customary to say *ḳaddish* no longer than eleven months in order not to make one's father or mother appear as evildoers, for the judgment of the wicked is held during the first twelve months; for instance if one dies ten days in *Sh'vat*, the mourner ceases to say *ḳaddish* on the ninth day of *Tebbeth*, and on the tenth of *Tebbeth* he should not say any *ḳaddish*, for since this is the first day of the twelfth month, and as only one day in a month is considered as the entire month, then it will appear that he had said *ḳaddish* for twelve months. As regards the saying of the *ḳaddish* we count from the day of the burial and not from the day of death; so that if he was buried on the eleventh day of *Sh'vat* then he ceases to say *ḳaddish* on the tenth of *Tebbeth*, because the judgment begins only after the burial. If it were an intercalated year, then he ceases saying *ḳaddish* on the ninth day of *Kislev* in the first instance or on the tenth in the second instance. On the day the mourner ceases saying *ḳaddish* he is entitled to all the *ḳaddishim*, and to the one who has Jahrzeit or to the one who is in the first thirty days of mourning belongs only one *ḳaddish*. If there be many who have Jahrzeit or many who observe the first thirty days, then he is debarred entirely on account of them. If one knew that his father and mother were evildoers, belonging to those who are judged by Heaven for twelve months, it is proper and necessary for him to say *ḳaddish* for twelve months.

18. When there are many mourners, God forbid, then in order not to come to any disputes and controversies, it is customary in many places for two or three to say the *ḳaddish* together.

19. If there be no mourner for a father or a mother in the synagogue any one who has neither a father nor a mother should say *ḳaddish* in memory of all the departed in Israel. There are places where it is customary that other relatives say *ḳaddish* for their next of kin when there is no one present who mourns either his father or his mother. Even when there are mourners for fathers or mothers, if there be one who desires to say *ḳaddish* in memory of either his grandfather or his grandmother who died without leaving children, or for his son or daughter who died childless, the other mourners should permit him to say one *ḳaddish* after everyone of them had said one *ḳaddish*. There are some places where it is the custom that other relatives say *ḳaddish* for their next of kin even if there be present mourners for fathers or mothers, but a compromise is made between them that the latter do not say as many *ḳaddishim* as those who mourn for their father or their mother. In this respect we must follow the custom of the place, providing there is an invariable custom fixed in the community.

20. A daughter should not say *ḳaddish* in the synagogue. But there are some authorities who hold that if people want to have a quorum meet in her house in order that she may say *ḳaddish*, they may do so. There are some who hold that even this is not permitted.

21. The one who had Jahrzeit and was unable to say *ḳaddish*, for instance when he was on the road or when there were not enough *ḳaddishim* to go about, then he may say *ḳaddish* at the evening service following the day of the Jahrzeit.

22. Although the saying of *ḳaddish* is helpful to the parents, yet this is not the main thing. The principal thing is that the children should walk in the proper path, because by this they obtain divine grace for their parents. Thus it is stated in the holy *Zohar*: "A son honoreth his Father" (Mal. i, 6) and as stated "Honor thy father and thy mother" (Ex. xx, 12) which is explained to mean that he must provide them during their lifetime with food, drink and clothes; you would think that after their death he is exempt, but this is not the fact. After their death he is obligated to honor them still more, for it is written "Honor thy father". If the son walks in the wrong path he surely insults thereby his father and brings disgrace upon him. If the son walks in the righteous path and his deeds are rightful, he thereby honors his father in this world in the estimation of men, and brings him glory in the other world before the Holy One, blessed be He. And the Holy One, blessed be He, has pity on him and places him on a throne of glory" etc. A man should charge his children to adhere to a certain precept, and if they fulfill it, it is more worthy than the saying of *ḳaddish*. This is also a good remedy for him who has no sons but daughters.

CHAPTER XXVII.

Laws Concerning the Study of the Law.

1. After the prayer every man should fix a certain time for the study of the Torah, and it is necessary that it be so fixed that it should not be utilized for anything else even if he expects to make big profits. If he has anything important to do, he should first study at least one verse or one law, then do whatever is necessary and thereafter complete his regular portion. In some holy communities societies were founded for the purpose of studying the Torah in public immediately after prayers, and every one who is God-fearing should join them.

2. Every Israelite is bound to study the Torah whether he be poor or rich, whether he be healthy of body or suffering pain, whether he be a young man or very old. Even the poor who goes around begging at the doors is bound to fix a time for the study of the Torah by day and at night, for it is written: "And thou shalt meditate in it day and night" (Josh. i, 8). If one is unable to study for lack of knowledge, or if he is unable to study on account of his being very much occupied, he should support others who devote their time to study, and this will be acounted unto him as though he himself had studied, as our Rabbis, of blessed memory, have explained the verse: "Rejoice, O Zebulun on thy going out and Issachar in thy tents;" that Zebulun and Issachar entered into a partnership; Zebulun engaged himself in commerce, and supported Issachar so that he could have time to devote himself to the study of the Torah; therefore the verse mentions Zebulun before Issachar, because the Torah of Issachar was acquired through Zebulun. Thus do we also find in the Mishnah (Zebachim i); "Simeon the brother of Azariah said" etc. Simeon is called by the name of his brother Azariah because he used to engage himself in business and to provide the needs of his brother Simeon who used to engage himself in the study of the Torah, and they agreed between them that Azariah should have a share in Simeon's reward for his study. Nevertheless a man should make an endeavor to study himself at least a little every day and every night.

3. He who is unable to devote his exclusive time to the study of the Torah, but fixes a certain time for study, should occupy these fixed hours with the study of the ordinary laws which are essential for every Israelite to know. He should likewise study the Agadath and the Midrashim and the books of instruction that are based upon the Midrashim of the Rabbis, of blessed memory, and which are instrumental in suppressing the evil inclination in the man. Happy is he who has a fixed inflexible rule to study daily a portion of the book entitled Hok L'israel, and whoever increases his study, Heaven increases blessings unto him.

4. When a man studies and needs to go out, he must not leave the book open, because on account of this his studies are forgotten.

5. A man should take care that whatever he studies he should pronounce it with his lips, make it audible to his ears, and concentrate his mind upon it, for it is written: "This Torah shall not depart from thy mouth, and thou shalt meditate on it" etc. (Josh. i, 8). The one who

pronounces it with his lips, although he does not understand what he is saying, nevertheless fulfills the precept of "And ye shall study them." Therefore every ignorant person says the benediction over the Torah every morning before reading the verses, and also when he is called up to the Torah. Whoever is engaged in the study of the Torah and is unable to understand it because of lack of knowledge, he will merit to understand it in the world to come.

CHAPTER XXVIII.

Laws Regarding the Scroll of the Torah and other Holy Books.

1. It is an affirmative precept devolving upon every Israelite to write for himself a scroll of the Law, for it is written: "And ye shall write for yourselves this song" (Deut. xxxi, 19), and our Rabbis, of blessed memory, received it by tradition that the meaning thereof is that he should write for himself the entire Torah which contains the song. If one inherited a scroll from his father, he is in duty bound to write one for himself. If one hires a man to write the Scroll of the Law for him, or if he bought it and found a mistake in the writing and he corrected it, it is accounted as though he had written it. A Scroll of the Law must not be sold, but if one be in dire need, he must consult the wise.

2. It is also the duty of every man to buy other holy books of study, for instance, the Holy Writ, Mishnah, Gemara, and law books, out of which he should study himself and also lend to others. The one who cannot afford to buy for himself a Scroll of the Law and also the other study books, then the books which are needed for study purposes have preference. Our Rabbis, of blessed memory, said: It is written "And his righteousness endureth for ever" (Ps. cxi, 3), this refers to the one who writes books and lends them to others.

3. A man is bound to treat the Scroll of the Law with the utmost reverence, and he must assign a special place for it which must be respected and beautifully adorned. One must not expectorate in front of the Scroll of Law, nor take hold of the Scroll without its cover. If one see a Scroll of the Torah carried before him, he must stand up until it is brought to its place or until he can no longer see it. In the synagogue when the scroll is taken out or replaced, it is to be followed by the worshippers until it reaches its destination. Also the one who raised it and the one who rolled it up should acompany it.

4. Even as regards other holy books if they be placed on a bench, it is prohibited to sit on the same bench unless the books are put on something which is a handbreadth in height. It is certainly forbidden to place the sacred books on the ground. One should not place a sacred book

upon his knees and rest his arms upon it. In an emergency one may sit on a chest containing sacred books, but it is forbidden to do so if a Scroll be therein. The Pentateuch may be placed upon the Prophetical Books or upon the Hagiographa; likewise the Hagiographa upon the Prophetical Books or vice versa, but the Prophetical Books and the Hagiographa may not be placed upon the Pentateuch.

5. If a Scroll of the Law become worn out, it must be hidden away. Also other sacred books and writings and things that served a holy purpose must not be burnt.

6. Sacred writings should not be thrown around, even books containing Laws and Aggada; nor is it permitted to place them with the wrong end up, and if he found them inverted, he must put them in the proper position.

7. It is forbidden to urinate in the presence of sacred books, but in cases of extreme emergency they at least be placed ten hand-breadths high.

8. It is forbidden to make a covering or a mantle for any sacred thing out of material used by an ignorant person. But post facto if it has been done, it may be used for that purpose. But if made out of material that was used for idolatrous purposes, it may not be used even post facto.

9. It is forbidden to make use of a sacred book for one's own personal benefit, e. g., to use it as a screen against the sun, or that people may not see what he is doing. But if the sun shines on the book he is studying, he may make a screen out of another book, since it is not for his personal benefit. It may likewise be permitted to place one book beneath the other in order to raise it for the purpose of studying; but it is not permitted to place one book within the other so that he should not have to look thereafter for the place he is studying. One should not rule a copybook on a sacred book, because there is no sacredness attached to the copybook before something is written therein; neither is one permitted to place in a book a piece of paper or anything like it for the purpose of preserving it.

10. He who destroys sacred writings violates the negative precept of "Ye shall not do thus to the Lord thy God" (Deut. xii, 4). It is essential to protest against bookbinders who paste in sacred writings in the covers. It is likewise very important to be very careful when giving sacred book to a non-Jewish bookbinder to have them rebound, to take

away the old covers for the purpose of hiding them so that the bookbinder should not put them on an unholy book.

11. It is forbidden to buy a Scroll, *tephilin* or *mezuzoth* from a non-Jew at an exhorbitant price, in order not to get them accustomed to steal them or rob them, but it is one's duty to buy them at the proper value. If the non-Jew wants an exhorbitant price for them, it is necessary to negotiate with him and to speak kindly to him, so that he may be able to agree with him to buy them at the proper price. If the non-Jew be insistent, he should let him keep them. It is not proper to request the non-Jew to sell them at a very low price, lest he become angry and throw them out into a place where they be destroyed.

12. If a Scroll fell out of one's hand, even in its mantle, he is obliged to fast, and it is customary that those who witness it also fast.

13. One must not write a verse of the Bible (in the Scroll) without lines. There are some authorities who hold that one must not write profane words in the Chaldaic type in which the Scroll of the Law is written.

CHAPTER XXIX.

Moral Laws Which a Man Should Accustom Himself to Observe.

1. People differ widely with respect to their natures: there is one of an angry disposition who is always angry, and there is another who is sedate and never becomes angry, or becomes angry once in many years; there is a one who is unduly haughty, and there is another who is unduly humble; one is voluptuary, his soul is never satiated with desire, another possesses a pure heart and has no desire even for small things which are the necessities of life; one possesses an unbounded greed who is not satisfied with all the wealth the world possesses, as it is written: "He that loveth money will not be satisfied with money" (Ecc. v, 9), another one is a shiftless fellow who is satisfied with little which does not even suffice for him, and he does not seek to earn enough for his necessities; one afflicts himself with hunger, keeps on saving, and whatever he eats of his own he does so with grief, another who spends all his money freely; and the same is true with all dispositions and views; e g., the gay and the melancholy, the villain and the noble, the cruel and the compassionate, the gentle and the hard-hearted, and the like.

2. The good and right path to follow is the middle course to which one should become habituated. He should desire only the things which are requisite for the body, and it is impossible to live without them, as it

is written: "The righteous eateth to satisfy his desire (to eat)" (Prov. xiii, 25); neither should a man be too much occupied with his business, but only sufficient to obtain things that are required for the immediate necessities of life, as it is written: "Better is the little that the righteous hath" (Ps. xxxvii, 16); neither should he be tight-fisted too much, nor should he spend his money freely, but should give alms according to his means, and lend liberally to the needful; and he should not be too jocular and gay, nor morose and melancholy, but should be happy all his days with satisfaction and with friendliness. Relating to all other ethical principles also he who adopts the middle course is called a sage.

3. Pride is an extremely bad vice, and a person is forbidden to become accustomed to it even to the slightest degree, but he should accustom himself to be humble of spirit, as the sages of blessed memory ordained "Be exceedingly humble of spirit." And how can you accustom yourself to be humble and low of spirit? All your words shall be quietly uttered, your head bent down, your eyes shall look downward and your heart upwards, and every man shall be considered in your estimation as greater than you are; if he is more learned than you, then you must honor him; if he is richer than you, then you must also honor him, as we find "Rabbi used to honor the rich;" and consider that since the Name, blessed be He, gave him riches he is evidently worthy of it. If one is your inferior in wisdom or in riches, then you shall consider that he is more righteous than you, because if he commits a transgression he is considered as an involuntary and accidental violator of the law, but as for you, when you transgress the law you are an intentional violator. If you will thus consider all the time you will not be able to be proud, and it will be good with you.

4. Anger is likewise an extremely bad vice, and it is proper that one should keep away from it, and he should accustom himself not to get angry even at things that he needs become angry. But when necessary to exercise his authority over his children and his household, he may pretend to be angry in their presence in order to chastise them, while inwardly he should retain his composure. "Said Elijah to R. Judah, the brother of R. Salla the just, Do not become angry and you will not sin; do not become intoxicated and you will not sin." Again said our Rabbis, of blessed memory, he who becomes angry it is accounted to him as if he had worshipped idols, and all kinds of Gehena have dominion over him, as it is said: "And remove vexation from thy heart, and cause evil to pass away from thy body" (Prov. xi, 10), and the word 'evil' means nothing else but Gehena, for it is said: "Yea, even the wicked for the day of evil." The life of those who are wont to become angry is not considered life at all, therefore have they ordered that a man should keep away from anger to such an extent that he can so control himself as not to become angry even at things that excite anger. This is the proper path and

the path of the righteous that they are insulted and do not insult; they hear themselves reviled, and answer not; they do things for love's sake and rejoice when even suffering pain; concerning them the Scripture says: "And they that love are as the rising of the sun in its full power" (Jud. v, 31).

5. A man should always cultivate the faculty of silence, and should converse only on matters appertaining to the study of the Torah, or of the necessities of life, and even when talking of the necessities of life he should not talk too much. Our Rabbis, of blessed memory, have already said: "And whoso is profuse of words causes sin" (Ethics I, 17), and they said again: "I have nought of better service for the body than silence." (Ibid). Rabba said: "What is the meaning of the verse 'Death and life are in the power of the tongue' (Prov. xviii, 21)? He who desires life will find it in the tongue, and he who desires death will likewise find it in the tongue.

6. A man should neither be gay and jocular nor should he be morose and melancholy, but he should be happy. Thus said our Rabbis, of blessed memory: "Jesting and levity lead a man on to lewdness" (Ethics, iii, 17); neither should a man possess unbounded greed for wealth, nor should he be morose and idle; but he should have a good eye, do less business and engage himself in the study of the Torah, and he shall be happy with that little which is his portion, as our sages said: "Envy, voluptuousness and ambition take a man away from the world" (Ethics iv, 28); therefore, it is necessary that every man keep away from them.

7. Perhaps a man will say: "Since envy, voluptuousness and ambition and their like take a man away from the world, I will entirely keep away from them even to the extreme" with the result that he would not partake of meat, nor drink wine, nor marry a woman, nor live in a comfortable abode, and not put on respectable clothes, but he will put on sack cloth or the like; this also is an improper path, and it is forbidden to walk therein. He who walks therein is called a sinner, for in the case of a Nazarite it is written: "And he shall make atonement for that he sinned against his soul" (Num. vi, 11), and our Rabbis, of blessed memory, said: "If a Nazarite who abstained only from drinking wine requires an atonement, how much more does one need it when he abstains himself from everything. Therefore have our Rabbis, blessed be their memory, ordered that a man should abstain himself only from those things which the Torah forbade us, and he shall not vow abstinence, from things which are permitted, by means of vows and oaths. Thus said our Rabbis, of blessed memory: "Does not what the Torah forbade us suffice thee, that thou hast to vow abstinence from things permissible?" And the Rabbis, of blessed memory, forbade to torment oneself with fast days more than

is required; and concerning all these things and the like, King Solomon, peace be unto him, said: "Be not righteous over much; neither show thyself over wise: why wouldst thou destroy thyself?" (Ecc. vii, 16); and he said again: "Balance well the track of thy foot, and let all thy ways be firmly right." (Prov. iv, 26).

8. We have already quoted the passage of Rabbi Judah b. Tema: "Be strong as a leopard, etc." which means that one should not be ashamed of the people who mock him when engaged in the service of the Lord, blessed be His name; nevertheless he should not answer them harshly, in order that he may not acquire a disposition of being boldfaced, even in matters not appertaining to the service of God, blessed be His name.

9. Neither should one quarrel because of the performance of some precept, for instance to officate as Reader, or to be called up to the Torah, or the like. As we find in the case of the Show-bread, that although it is a meritorious act to partake of it, nevertheless it is stated that the modest used to withdraw, while the gluttons used to grab and eat.

10. It is the nature of man to follow his friends and neighbors and town folks in his actions, therefore it is necessary that one should associate himself with the righteous, and stay always with the sages so that he may learn their actions, and keep far away from the wicked who walk in the dark, in order that he should not learn their deeds. Said King Solomon, peace be unto him: "He that walketh with wise men will become wise; but he that associateth with fools will be destroyed" (Prov. xiii, 20); and it is said again: "Happy is the man who walketh not," etc. (Ps. i, 1). And if one dwell in a place where its leaders are wicked and its inhabitants do not walk in the right path, he should move away from there to dwell in a place where its inhabitants are righteous men and follow in the path of the good.

11. It is a prescribed law that one should associate himself with the learned in order to learn their deeds, as it is written: "And unto Him thou shalt cleave" (Deut. x, 20); is it then possible for a man to cleave to the Divine Presence? But thus did our Rabbis, of blessed memory, explain: "Cleave unto the learned in the Law. Therefore it is necessary that a man should make an endeavor to marry the daughter of a man learned in the Law, to give his daughter in marriage to a learned man, to eat and drink with the learned, do business with the learned, and to associate with them in every possible connection, for it is written "And to cleave unto Him." And thus commanded our Rabbis, of blessed memory, and said: "Sit among the dust of their feet, and drink their words with thirst" (Ethics i, 4).

12. Every man is duty bound to love all his coreligionists as he loves himself, as it is written: "And thou shalt love thy neighbor as thyself" (Lev. xix, 18). Therefore he is bound to talk of one's virtues and to have consideration for somebody else's property, just as he has consideration for his own property and seeks honor unto himself. He who elevates himself at his neighbor's degradation, although his neighbor be not present and the insult has not reached him, or even if he did not expressly insult him, but he compared his own good deeds and wisdom with the good deeds or the wisdom of his neighbor so that they may conclude from this that he is an honorable man and his neighbor is despicable, he has no share in the world to come unless he make perfect repentance.

13. He who hates an Israelite in his heart violates a prohibitory precept, for it is written: "Thou shalt not hate thy brother in thine heart" (Lev. xix, 17). If anybody sins against him, he should not hate him in his heart and keep silent about it; as it is said concerning the wicked: "And Absalom hath not spoken with Amnon either evil or good, for Absalom hated Amnon" (II Sam. xiii, 22); but it is his duty to let him know of it and say to him, "Why have you done this thing, and why have you sinned against me with this thing?" for it is said: "Thou shalt rebuke thy neighbor" (Lev. xix, 17). And if the man repents and requests him to pardon him, he is bound to pardon him and not be cruel, as it is said: "And Abraham prayed unto God" (Gen. xx, 17). In Abboth d'Rabbi Nathan it is stated: "What is meant by 'hatred of people'? A man should not determine and say 'I will love the sage and hate the disciple; I will love the disciple and hate the ignorant;' but it is his duty to love them all, and only hate the heretics, those who stir people up to worship idols, seducers, and informers (traitors)." And thus did David say: "Those that hate Thee I ever hate, O Lord; and for those that rise against Thee do I feel loathing. With the utmost hatred do I hate them; enemies are they become unto me" (Ps. cxxix, 21-22). Is it not then written: "And thou shalt love thy neighbor as thyself, I am the Lord" (Lev. xix, 18)? What is the reason therefor? Because, I (the Lord) have created them. If one is acting in accordance with the laws of your people you must love him: if not, you are not bound to love him.

14. A man is forbidden to invoke the judgment of Heaven against the one who has done wrong unto him, and this is only when he may have redress in human courts of law. He who prays for evil to come on his fellowman, punishment comes to him first. There are some authorities who hold that even if he can have no redress in human courts of law, he is not permitted to invoke Heaven against him unless he first notifies him of his intention.

15. When one sees anyone committing a crime or going on an evil path, it is his duty to cause him to improve by convincing him that he is committing a crime with his evil deeds, for it is said: "Thou shalt surely rebuke thy neighbor" (Lev. xix, 17). And he who rebukes his fellowman, whether it refers to that which concerns his relation to man or to

that which concerns his relation to God, he must rebuke him in private (no one else being present), and he must speak to him quietly and use soft language, and should convince him that he is doing it only for his own good to bring him to the life of the world to come. He who has the opportunity to prevent the commission of a crime and does not do so, will be caught with this crime himself, since he neglected to avail himself of such an opportunity.

16. The above rule of law refers only to a case where he thinks that the sinner would listen to him, but if he is certain that he will pay no heed to his words, then he is forbidden to rebuke him. For R. Ilaah in the name of R. Eliezer b. R. Simeon said: "Just as it is meritorious for every man to say something which will have the desired effect, so is it meritorious for him to refrain from saying a thing which will not be accepted. R. Abba says: "This is a man's duty, for it is written: Do not correct a scorner, lest he hate thee; reprove a wise man, and he will love thee'" (Prov. ix, 8) (Yebamoth, 65b).

17. A man is forbidden to insult his fellow-man, whether by word of mouth or by deed, especially so in public. Our Rabbis, of blessed memory said: "He who insults his fellow-man in public will have no share in the world to come." Our Rabbis, of blessed memory, said again: "It is better for a man to be thrown into a fiery furnace than insult his fellow-man in public, for it is said: 'And when she was brought forth, she sent to her father-in-law, saying, He to whom these things belong, of him am I conceived;' she did not say so expressly to him, but by hint, thinking if he admit all well and good, and if not, I will not disclose him." Therefore every man should be very careful not to insult his fellow-man in public, whether he be small or great, and should not call him by any name by which he is insulted; neither should he narrate in his presence a thing of which he feel ashamed. And if he sinned against him, and he has to rebuke him, he should not insult him, for it is said: "And thou shalt not bear a sin because of him" (Lev. xix, 17). This law has application only to a case where one violates a civil law, but where one violates a law appertaining between him and God, and he refuses to retract upon being rebuked privately, one may insult him publicly, and make his sin public, and we may abuse him in his presence, insult him and lightly esteem him until he improves, as all the prophets in Israel had done. As regards him the law of taunt does not apply, for it is said: "And ye shall not deceive one another" (Lev. xxv, 17), and the Rabbis, of blessed memory, explained that the term *amitho* means with the one who is in accord with you in performing the precepts and obeying the Torah, has the Torah warned against taunting him with words, but not against the one who violates the law and refuses to repent after he was rebuked privately and with persuasive speech.

18. If any one sinned against a man, and the latter refuses to rebuke him or even to speak to him but forgives him the crime in his heart, but he neither hated him nor rebuked him, this is the virtue of the pious, for the Torah minds the secret hatred only.

19. A man is bound to be very careful with orphans and widows to speak to them kindly and respect them, and not to vex them even with words, because their souls are downcast and their spirits low, even if they be wealthy. We are thus warned even concerning the widow and the orphans of a king, for it is said: "Any widow or orphan you shall not afflict" (Ex. xxii, 21). He by whose word the world was called into existence made a covenant with them that whenever they are crying to Him because of the wrong done to them, their prayers will be answered, for it is said: "For if he cry unto Me, I shall hearken his cry" (Ibid. 22). All this applies to a case where he afflicts them for his own advantage, but when he afflicts them for the purpose of teaching them the Torah or a trade, or to lead them upon the right path, it is permitted. Nevertheless one must lead them with kindness and mercy, for it is said: "For the Lord will plead their cause" (Pro. xxiii, 11); the above is true whether he be an orphan from his father or from his mother. And for how long are they considered to be orphans in this matter? Until they are able to attend to all their necessities by themselves as all adults.

20. A man must be very careful not do any act which would tend or lead to suspicion that he had committed some crime. As we find the case with the Priest who set aside (cleaned) the chamber that he did not enter in a robe made in fashion where one could hide something there, for it is the duty of man to satisfy humanity just as he has to satisfy God, blessed be He, for it is written: "And ye shall be guiltless from God and from Israel" (Num. xxxii, 22), and it is said again: "So shalt thou find grace and good favor in the eyes of God and man." (Prov. iii, 4).

21. It is a virtue of the pious not to accept any gift, but to confide in God that He will sufficiently supply for his need, for it is written: "But he that hateth gifts shall live" (Prov. xv, 27).

CHAPTER XXX.

Laws Concerning Talebearing, Slander, Vengeance and Bearing a Grudge.

1. "Thou shalt not go up and down as a tale-bearer among thy people" (Lev. xix, 16). What constitutes tale-bearing? This is a tell-tale who goes from one to another saying: "Thus spoke so and so; I have heard concerning him so and so;" although the thing told be true and does not tend to insult anyone it nevertheless is a violation of the prohibitory command, and constitutes a grave crime on account of which souls in Israel perish; therefore next to this command is written: "Do not stand by the blood of thy neighbor" (Ibid.). Go and learn what happened to Doeg the Edomite who said to Saul that Achimelech had given to David

food and a sword. Although the thing was true, and he did not put Achimelech to blame, because he had done no bad deed by this, and even if Saul himself would ask Achimelech he would tell him what he had done, for he had no intention to sin against Saul thereby, nevertheless the tale-bearing of Doeg caused the death of many Priests.

2. There is a much graver crime included in this command, and this is slander, i. e., one is telling something to insult someone thereby, although he is telling the truth; if one utter false reports, he is guilty of defamation of his fellow's character. A slanderer is the one who sits down and narrates: "So and so has done so and so; so and so were his parents; so and so have I heard about him;" and the nature of the things said tend to put some one to shame; concerning this one the Scriptures say: "May the Lord cut off all the flattering lips, the tongue that speaketh boastful things" (Ps. xii, 4). He who receives slanderous reports is worse than the one who gives them. The decree of destruction concerning our forefathers in the wilderness was sealed only on account of slander.

3. What is to be considered slanderous? A man asks of his fellow man: "Where can I find fire?" And he replies: "Fire can be found in the house of this or that man, where there is plenty of meat and fish, and there they are always cooking something."

4. There are words which may be termed "shades of slander"; e. g., one says: "Silence about this or that man; I do not want to tell what happened," or words of similar nature. If one narrate the good virtues of a man in the presence of his enemies, this also constitutes slander, because this will cause them to tell things which will put him to shame. Concerning this Solomon said: "When one saluteth his friend with a loud voice, when rising early in the morning, it will be counted a curse unto him" (Prov. xxvii, 14). Also the one who tells slander in a jocular and disdainful manner, as if he were not speaking out of hatred. This is what Solomon said in his wisdom: "As one fatigueth himself shooting off firebrands, arrows and death: so is the man that cheateth his neighbor, and saith, Behold, I am only jesting" (Prov. xxvi, 18-19). The above also relates to the one who tells slander with deceit, professing that he is telling it innocently and does not know that it is slander, and when he is rebuked for that, he says: "I do not know that this is slander, or that these are the acts of so and so."

5. If one narrates slanderous words either in the presence of his fellow man or not in his presence; or if one tells things that may cause, if circulated, some damage to his fellowman either in his body or in his property, or even if one only intends to vex him or to frighten him, this constitutes slander. If things were already told in the presence of three persons, the things have already apparently become known, and if one of the three repeated them to somebody else it is no slander, providing he does not intend to spread it and make it known still more. What is the

remedy for a man to abstain from slandering anybody? If he be a learned man, he should engage himself in the study of the Torah, and if he is an ignorant man, he shall humble himself.

6. Said R. Jeremiah b. Abba: "There are four classes of people that are not worthy of receiving the Divine presence: the class of scorners, the class of hypocrites, the class of liars, and the class of slanderers. The scorners we infer from the verse "He pulled away his hand from the scorners" (Hos. vi, 5) (Rashi explains the word moshach he (God) pulled away, instead of the accepted interpretation in this instance to mean he joins); the hypocrite we infer from the verse "For a hypocrite cannot come before Him" (Job xiii, 16); the liar we infer from "He that speaketh falsehoods shall not succeed before my eyes" (Ps. ci, 7); the slanderer we infer from "For thou art not a God that hath pleasure in wickedness; evil cannot abide with Thee" (Ps. v, 5) (according to Rashis' explanation; and this refers to the slanderer, because in this chapter is written: "For there is not in their mouth any sincerity") (Ibid. 10). "Thou art just, O Lord, no evil dwelleth in Thy abode". And our Rabbis, of blessed memory, said: All kinds of mockery is prohibited except of idols, for it is written: "And Elijah mocked them" etc.

7. He who takes vengeance from his fellow man violates a prohibitory command, for it is written: "Thou shalt take no vengeance" (Lev. xix, 18). And what constitutes vengeance? One says to his fellow man: "Lend me your hatchet," and the latter says to him: "No, I will not lend it to you." On the morrow the latter has to borrow something, and says to the former: "Lend me your hatchet," and the reply is given him: "I will not lend it to you, just as you failed to lend it to me when I made request from you;" this constitutes vengeance and he is guilty of violating the prohibitory precept. But when the latter comes to borrow aught from him he should give it to him with his whole heart, and he shall not repay him in accordance with his acts. It is proper that every man should forbear to retaliate regarding wordly matters, for to the thinking man all things are but vanity, and it is not worth one's while to take vengeance concerning them. And thus said King David: "If I have recompensed him that was at peace with me with evil; if I have taken aught from my assailants without cause" (Ps. vii, 5).

8. If you desire to take vengeance of your enemy, then acquire additional good virtues and walk in the path of the righteous, and by means of this you will indirectly take vengeance of your enemies, for they will be grieved because of your good qualifications and will mourn when they hear of your good reputation. But if you will do contemptible deeds, then your enemy will rejoice over your disgrace and shame, and with this he takes vengeance of you.

9. He who bears a grudge against his fellow Israelite violates a prohibitory precept, for it is written: "Thou shalt not bear a grudge against the sons of thy people" (Lev. xix, 18). What constitutes a grudge? Reuben said to Simeon: "Lend me such and such a thing," and Simeon refused to do it. After sometime Simeon came to borrow a

certain article from Reuben, and the latter said: "Behold, I do lend it to you, and I am not like you are, and I will not repay you according to your deeds." He who is doing this violates the precept "Thou shalt not bear a grudge," but he must obliterate the incident from his mind, and not mention it at all. This is the proper view by which the system of the land and the transaction of the people with one another will be made durable.

CHAPTER XXXI.

All the Intentions of Man should be for the Sake of Heaven.

1. Said our Rabbis, of blessed memory: "Which is a small verse upon which all the principles of the Torah are dependent? "In all thy ways acknowledge Him" (Prov. iii, 6), which means that in all your actions, even those which you are doing for the necessities of life, you must acknowledge the Lord, and do them for the sake of His name, blessed be He. For instance eating, drinking, walking, sitting, lying, rising, cohabitation, talking—all the necessities of life, should all be performed for the sake of serving your Creator, or for the purpose of doing something that will bring about the performance of His service.

2. What is meant by eating and drinking? Superfluous to say that one should not, God forbid, eat or drink things that are prohibited. But even if the things are not forbidden and one was hungry and thirsty and he ate or drank just to satisfy himself, this is not praiseworthy; but his intention must be while eating or drinking that by this he should have the strength to perform the service of the Creator. Therefore a man should not eat whatever is palatable just as the dog and the ass do but he should eat only things that are helpful to and good for the health of the body. There are some saintly people who before eating and drinking say: "I am ready to eat and drink in order that I may be healthy and strong to perform the service of the Creator, blessed be His name.

3. What is meant by sitting, rising and walking? Needless to state that one should not sit in the seat of scorners, nor stand in the way of sinners, nor walk in the council of the wicked. But even the sitting in the council of the honorable, the standing in the place of the righteous, and the walking in the council of the perfect, if done for one's own gratification to satisfy his desire and lust is not praiseworthy, but he should do it for the sake of Heaven. Nevertheless if it be impossible for one to concentrate his entire intention to the purpose of Heaven only, he shall not abstain himself from these things, for through the work done for a selfish purpose, he will arrive at the stage of doing good for its own sake.

4. What is meant by lying? Superfluous to say that at the time when one is able to engage in the study of the Torah and the performance of precepts he indulges in sleep for his own pleasure, that this is improper to do. But even at the time when one is weary and he must sleep in order to rest up from his weariness, if done for his personal gratification is not praiseworthy. But his intention must be to give sleep to his eyes and rest to his body for the good of his health so that his mind should not become effected when studying the Torah on account of lack of sleep.

5. What is meant by cohabitation? Needless to state that one should not, God forbid, commit a crime, but even at the time of cohabitation as mentioned in the Torah, if done for one's own gratification to satisfy his lust, is improper. Even if his intention were that he should beget children who can be of service to him and substitute him, this is not praiseworthy. But his intention should be that he may have children to perform the service of his Creator, or his intention should be to strengthen his body and to perform the precept of cohabitation just as a man pays an obligation

6. What is meant by talking? Superfluous to say that one should not slander, go about talebearing, speak mockery or lascivious talk, God forbid, but even in quoting the words of the sages it must be his intention to do the service of the Creator, or a thing that brings about His service.

7. When a man is engaged in business or in manual labor to make gain thereby, his intention should likewise not be to accumulate wealth alone, but to support his family, to give charity and to raise his children for the study of the Torah. The general principle of the foregoing is that it is the duty of a man to well consider his ways and weigh his acts in the scales of his reason, and when seeing a thing, the performance of which may lead to the service of the Creator, he shall perform it; if not, he shall not perform it. He who accustoms himself to this will, consequently, worship God all his days, even when sitting, rising, walking, doing business, eating, drinking, having intercourse, and when doing the necessities of life. And all this was commanded by our Rabbis, of blessed memory, who said: "And all thy deeds shall be for the sake of Heaven." And in like manner did Rabbenu Hakadosh (our holy Rabbi) raise his fingers heavenward when dying, and said: "It is revealed and known to Thee that I derived no other benefit from them than for the sake of heaven.

CHAPTER XXXII.

Rules Concerning Physical Well-Being.

1. Since it is a requirement from God that the body of a man be healthy and perfect, because it is impossible for a man when ill to comprehend the knowledge concerning his Creator, it is therefore necessary for a man to shun things that tend to injure his body, and to acquire habits that make the body healthy and sound; and thus it is written: "Take you therefore good heed of your souls" (Deut. iv, 15).

2. The Creator, blessed be He, and blessed be His name, created the man and all living beings, and gave him the natural warmth which is the life of the man, because if the natural fire of the body should be quenched then life ceases. The maintenance of this warmth is by means of the food which the man eats; just as in the case of a burning fire, if

wood is not added continually to it, it will be quenched entirely, so it is with the man, if he would not eat, the fire that is within him would be quenched and he would die. The food is ground between the teeth and becomes mixed with juice and saliva and is reduced to slags. From there it goes down and into the stomach where it is likewise ground and mixed with juices, the juice of the stomach and the juice of the gall and is reduced to slags again, and it is boiled by means of the heat and the juice and thus it becomes digested. Out of the pure parts all the limbs are nourished and this sustains the life of the man and the impure, which are unnecessary, are driven towards the outside. And for this we say in the benediction "Who formest" the following, "And doest wondrously," which means that the holy one, blessed be He, has endowed the man with the nature to select the good part of the food, and every limb selects for itself the food that is suitable for it, and the waste is pushed outside of the body; for if the waste should remain in the body, it would rot away and cause many sicknesses, God forbid. Therefore most of the good health of the body and its weakness depends upon the digestion of the food: if it is easily digested then the man is healthy, but if the digestive system be spoiled then the man becomes weak and he may come to a dangerous state of health, God forbid.

3. Easy digestion is had when the food is not too much and it is easily digestible. For if a man eats too much and the stomach is full, then the digestion is difficult for the reason that the stomach cannot spread out and shrink properly and naturally and grind the food as necessary; just as is the case with fire; if too much wood be placed on it, it will not burn well, so it is the case with the food in the stomach. Therefore the man who is desirous of preserving his physical health must take care to adopt the golden mean in eating, depending upon the nature of his body, neither too little nor too excessive. Most maladies which befall men arise either from unwholesome food or from excessive eating even of wholesome food. To this Solomon wisely alludes: "Whosoever keepeth his mouth and his tongue, keepeth his life from troubles" (Prov xxi, 23), referring to the one who keeps his mouth from eating unhealthy food or from gluttony, and his tongue from speaking except what is necessary for his daily needs. A certain sage said: "He who eats little from harmful food is not as much harmed as the one who eats excessively from wholesome food.

4. When the man is young his digestive system is strong, therefore he requires more regular meals than the middle-aged man. The aged man on acount of his weakness requires light food, and little in quantity and much in quality to sustain his strength.

5. On hot days the digestive system is weaker on account of the heat; therefore it is proper that the portion of food on hot days should be less than on cool days. And the medical scientists have put down a limit that in the summer one should eat only two-thirds of the amount he eats in the winter.

6. It is a great rule in the science of medicine that before a meal one should have some exercise by walking or by work until his body becomes warm, and thereafter eat; and concerning this is written: "With the sweat of thy brow shalt thou eat bread" (Gen. iii, 19); "And the bread of idleness she doth not eat" (Prov. xxxi, 27). And one should loosen his belt before eating, and while eating should be seated or recline on his left side; and after the meal he should not move about too much, because on account of this the food will come down from the stomach before it is well digested which might injure him, but he should walk a little then rest; but he should not promenade or tire himself out after the meal; neither should he take a nap immediately after the meal, before the expiration of two hours, so that the gases should not enter his brain and cause him injury. A bath, letting blood and cohabitation are likewise not good immediately after a meal.

7. Men differ with respect to their temperaments; some are hot some cold, and others medium. Food also differs, and he whose temperament is medium should also eat food which is medium. But the one whose temperament is not medium should eat food which is a trifle reverse to his temperament. He whose temperament is hot should not eat hot things, such as spices and balsam plants, but should eat food which is cool and somewhat fermented; and he whose nature is cool should eat food which is a little warm. The food should likewise be made variable according to the season and the place: in the summer one should eat cooling foods, for instance the meat of tender lambs and goats and spring chicken, and also a little of fermented foods, but in the winter he should eat heating foods. In a cold climate one should also eat heating foods, and in a warm climate, cooling foods.

8. The average food is wheat bread, but not true fine flour, because fine flour takes long to be digested; but it should contain also some of the bran, then it should be moderately leavened and salted and then baked in an oven; the other kind of food made out of wheat is not good. The best kind of meat is from a lamb one year old and from sucking kids, but all kind of intestines and the head are not good. Goats, old cows and old cheese make bad and heavy food. All kinds of fowl meat is more easily digestible than meat of cattle, and the best of the fowl is the hen. The physicians said that food to which a man becomes accustomed is never harmful even if it be bad, because habit becomes second nature, providing he does not eat to excess.

9. One should not eat the heart of an animal or fowl, because it is injurious to the memory; neither should one eat any food which had been partly eaten by a rodent or a feline, for the like reason that it is harmful to the memory.

10. The time for eating is when one has a natural desire to eat and not an unnatural one. The difference between a natural and an unnatural desire for food is as follows: the former is called "hunger", that is the stomach is empty, while the latter is a longing for a particular kind of food, and is called appetite. In general, a healthy and strong person should eat twice a day, and the feeble and the aged should eat little at a time several times during the day, because excessive eating at one time weakens the stomach. He who is desirous of preserving his physical condition should not eat before the stomach is absolutely emptied of the previous food. The ordinary time for the digestion of food, for people who are healthy and eat moderate foods and have moderate exercises, is six hours. It is best to omit one meal during the week, in order that the stomach may have a rest of its work and its digestive power be strengthened. And it would seem this omission should take place on the day preceding the Sabbath.

11. It is advisable for one to accustom himself to have breakfast in the morning.

12. He who is desirous of eating several kinds of food at one time should first eat such things which possess laxative qualities, and these should not be mixed with his food, but he should wait a while between the two kinds of food. One should likewise eat first light foods which are easily digested; for instance, fowl meat should be eaten before the meat of cattle, and the meat of small cattle before the meat of big cattle. Things that possess costive qualities should be eaten directly after the meal, but one should not eat excessively of those.

13. Since the digestion begins by means of grinding the food with the teeth and by the intermixing it with the juice of the saliva, therefore one should not swallow any food without masticating it, because the digestion will become difficult when left to the stomach alone.

14. It has already been stated (7, supra) that people are not alike in their temperament, and therefore everyone should, by the order of the physicians, choose the food according to his character, the climate and the time. In general the ancient medical scientists have divided foods into various classifications. Some foods are extremely injurious and it is advisable that one should never eat them, e. g., large stale salted fish, stale salted cheese, morils and truffles; old salted meat and wine fresh from the press, and cooked food which has lost its flavor, or any food which has a bad odor or has a very bitter taste, all these are to the body like

deadly poison. Again there are some kinds of food which are also injurious, although not as bad as the former; therefore one should partake but little of them and only on rare occasions, and he should not accustom himself to use it as his steady food, or to eat steadily as a part of his food. These are: large fish, cheese, milk that stood twenty-four hours after the milking, the meat of large oxen or large he-goats, barley bread, unleavened bread, cabbage, leek, onions, garlic, mustard and radish, all these are unwholesome and one should partake of them very sparingly and only in the winter, but one should avoid them entirely in the summer.

15. There are other kinds of food which are unwholesome, but less injurious than the former. They are as follows: water-fowl, little young pigeons, dates, bread kneaded in oil, and fine flour which has been so thoroughly sifted that even the odor of the bran had disappeared. One must not partake of these in excess.

16. One should always abstain from eating fruit of the trees and should not eat too much of them, even dry fruit, much less when they are fresh; and before they are fully ripe on the tree they are like swords to the body. Carobs are always injurious, acidulous fruits are bad, and one should eat very little of them in the summer and in warm climates. Figs, grapes, almonds and pommegranates are always wholesome, whether fresh or dried, and one may partake of them to his satisfaction. Yet he must not eat them as his daily food, although they are the most wholesome of all the fruits.

17. Relating to the matter of drinking, water is the natural kind of drink for the man and is healthful for the body. If it is clean and pure it is helpful in that it preserves the moisture of the body and hastens the bringing out of the worthless stuff. When drinking one should select cool water because it satisfies the thirst and helps the digestion more than water which is not cold. But the water should not be too cold, because it quenches the natural warmth of the body, and how much more so when a man is tired and weary he should be very careful not to drink cold water, because then the fat of the heart is hot and it becomes dissolved on account of the tiredness and weariness, and cold water may harm him to the extent that it may prove fatal, God forbid. And although water is good for the physical health, nevertheless it should not be drunk to excess. One should not drink any water before the meal, because the stomach becomes cooled off and it will not digest the food properly. In the middle of the meal one should likewise drink only a little water mixed with wine, and only when the food begins to become digested he may drink a moderate portion. One should not drink any water upon leaving the bath-house, so that the liver should not become cooled off, and much more should he abstain from drinking water in the bath-house. Neither should one drink water immediately after cohabitation because then the natural warmth is weakened and it may cause that the limbs be cooled off.

18. Wine preserves the natural warmth, improves digestion, brings out the superfluous matter, and helps the physical health, provided one drinks it to moderation. The one who has a weak head should keep away from wine, because it adds to his weakness and fills his head with gases. Wine is wholesome to the old but injurious to the young, because it increases the natural warmth and it is just like adding fire to fire, and it is advisable to abstain from wine up to the age of twenty-one. Wine should be drunk immediately before a meal but little, in order to open up the intestines; nor should it be drunk when hungry, nor after a bath, nor after perspiring, nor after being tired or weary; during meals it should be drunk sparingly.

19. A man should eat only when he is hungry, and drink only when he is thirsty, and should not neglect the call of nature even for one moment, and he should not begin eating before he examines himself very well whether or not he has to ease himself.

20. A man should always endeavor to keep his bowels lax; they may even approach a diarrhetic state, for this is a leading rule in hygiene, as long as the bowels are constipated or when same act with difficulty, serious diseases ensue. Therefore when a man observes that his bowels are weakened and they do not possess the power to evacuate themselves, he should consult a physician as to how he can cure them, every man depending upon his temperament and his age.

21. Weariness in a moderate degree is good for the physical health, but weariness to an excess and too much rest are injurious to the body. In the hot season a little exercise will suffice, but in the cold season more is required. A fat person needs more exercise than a lean person.

22. He who is desirous of preserving his health must become acquainted with the psychological emotions and take care of them; and these are: joy, worry, anger and fright which are psychological actions. The wise need always be satisfied with his portion during the time of his existence, and should not grieve over a world that does not belong to him, and should not look for any superfluities, and he should be in good spirits and be joyous to a moderate extent, because these cause the increase of the natural warmth, and to digest the food and to drive out the waste, and to strengthen the eyesight and the faculties, and also strengthens the power of reason. But one should not increase the joy of life by means of food or drink, as the foolish do, because by reason of too much joy the warmth (of the heart) is distributed over the entire body, and the natural warmth becomes dissolved and the heart is cooled off suddenly, and this may cause sudden premature death. Especially so may the foregoing happen to fat persons, because the natural warmth in their bodies is little, for the reason that their blood vessels are narrow and the circulation of the blood, which is the main cause of the warmth, is slow. Grief, which is the reverse of joy, is likewise injurious, because it cools off the body and

the natural heat centralizes into the heart which may cause death. Anger rouses the warmth of the body so that it produces some kind of fever. Fright causes coolness in the body, and therefore it happens that the frightened one shivers, and when the coolness of the body increases, one may die. And how much more must one be careful not to eat when he is angry, frightened or grieved, but only when moderately joyful.

23. Moderate sleep is good for the physical health, because it helps one digest his food and rest his senses, and if it so happens that one is unable to sleep on account of illness, he must eat such foods that bring sleep. Too much sleep, however, is injurious because the head becomes filled with gases, because it will increase the gas that comes up from the belly into the head, fill up the head with gas and cause a great deal of injury to the body. Just as a man must be careful not to sleep immediately after his meal, so must he be careful not to sleep when he is hungry, because when there is no food in the body the warmth works in excess producing foul gases which enter the head. When one sleeps his head should be higher, because it will help the food come down from the stomach, and the gases that come up into the head will be diminished. The natural sleep is in the nightime, and the sleep in the daytime is harmful, and is good only for those who are accustomed thereto.

24. The proper way of washing oneself is to take a bath regularly every week. One should not enter the bath-house when he is hungry nor when he is full, but when the food is beginning to become digested. One should wash his entire body with hot water, then with tepid water, then some degree cooler, and finally in cold water. Upon going out from the bath-house one should put on his clothes and cover his head well thereby avoiding taking cold; even in the summer time it is necessary to take this precaution. After leaving the bath-house one should wait until he regain his mental and physical composure and let the heat subside, and thereafter eat. If one can sleep a little upon leaving the bath, before he takes his meal, so much the better.

25. A person should ever endeavor to dwell where the air is pure and clear, on elevated ground and in a house of ample proportions. If possible he should not reside in the summer in a place facing the North or East, and there should not be any decayed refuse. It is very beneficial to continually purify the air of the house with odoriforous substances and by proper fumigation.

26. The air which is good for the physical health is that it should be at an even temperature, neither cold nor hot. Therefore every man should take precautions not to heat his house too much in the winter time, as many senseless people do, because on account of the excessive heat many sicknesses are apt to come, God forbid. But it should be heated so that the cold should not be felt, but it should not be too warm.

27. To preserve the sense of sight one should guard against the following: not to go suddenly from a dark place to a well illuminated place; and if one has to go from a dark to a well illuminated place, he should open the door slightly and look at that dim light for a moment, then open it a little wider and look at that light for a few moments, and thereafter open it all; one should likewise do so when coming from a well illuminated place to a dark place. The change from light to darkness or from darkness to light, without a medium, is injurious to the sense of sight. Therefore the Holy One, blessed be His name, in His mercy so created the world that the sun should begin shining upon earth gradually, not at once, and so does it set gradually. On account of this we say the benediction: "Who in mercy giveth light to the earth and to them that dwell thereon," which means that He gives us light mercifully gradually and not at once suddenly. The light that is reflected from the light of the sun, i. e., when the sun shines down on some place and from there the light is reflected, this light is very injurious to the eyes. Therefore a man should take heed not to dwell in a house the windows of which face to the North only, because the sun never shines from the North, and the whole light that comes from there is only by reflection. Even if the windows face East, South or West, if the sky cannot be seen through the windows, being obstructed by high walls, the light that penetrates thereto is likewise but a reflection. A man should take heed not to write, read a book or do any delicate work in the dusk of twilight, nor in the midst of the day when the sun shines the brightest. Neither should one write or read small letters to excess or do any delicate work before candle light at night. Gazing steadily at a white color is likewise injurious to the eye-sight; therefore the color of the sky is blue not white, in order not to injure the eyes. Gazing steadily at bright red colors or at fire is also injurious; so are smoke and sulphurous odours injurious; so are fine dust and strong wind blowing towards the eyes; so are excessive walking, rapid walking and excessive weeping; for it is written: "My eyes do fail with tears" (Lam. ii, 11), but the most injurious of all is excessive copulation; but "The precept of the Lord is pure, enlightening the eyes" (Ps. xix, 8).

CHAPTER XXXIII.

Things Forbidden because they are Dangerous.

1. It is forbidden to eat fish together with meat, even with poultry fat, because it is dangerous. One should not roast meat and bake fish in a small oven, unless one or the other be covered, but in our ovens, which are big, it is permissible.

2. If one eats meat and immediately after he eats fish or vice versa, he should eat some bread and drink some beverage between them, which will serve to wash the food down and to rinse his mouth.

3. One should guard himself against a person's perspiration, because every man's perspiration is deadly poison, except the perspiration of the face. Therefore one should take heed not to place any food underneath his clothes where it can touch his body on account of the perspiration; neither should one put coins in his mouth, as some perspiration may cling to it, moreover since it has circulated through many hands, it might have been handled by sick people.

4. Every man should take heed to spit out all the saliva from his mouth and not swallow any of it, when he smells the odor of some food because if he does swallow it, it may put him in danger, God forbid.

5. It is advisable to take heed not to drink uncovered water.

6. It is forbidden to place any food or drink under the bed, even if it be covered, because an evil spirit would descend upon them. In villages it is customary to place potatoes and other food stuffs underneath the beds; it is necessary to warn them against it.

7. One should beware of all things that are dangerous, because regulations concerning health and life are made more stringent than ritual laws; and the risk of danger is to be apprehended even more than the risk of infringing a precept. Therefore it is prohibited to walk in a dangerous place, for instance near a bulging wall or a broken bridge; nor should one walk out alone at night, nor sleep in a room alone at night, nor should one drink water from rivers at night, nor put his mouth under a jet of water to drink, lest he swallow something harmful.

8. At the time of the equinox it is customary to place some iron over all beverages or food; but food cooked, or pickled or preserved in salt do not require to be covered.

9. One is forbidden to partake of any food or beverage which he dislikes, or eat or drink out of unclean vessels that are loathesome to him; nor should one eat when his hands are unclean, for all these things come under "And ye shall not make yourselves abominable" (Lev. ii, 43); even if one should claim that it is not loathesome to him, his opinion becomes void by the majority.

10. If a beast or a fowl were seriously injured, and were afterwards slaughtered, although it was lawful to slaughter it, still the scrupulous are most careful not to partake of them.

11. It is forbidden to cut down a fruit-tree bearing fruit (for instance, an olive tree producing a quarter of a *ḳab* of olives, and a date tree producing a *ḳab* of dates), because it is dangerous. However, if a tree adjoins other more valuable trees which are wasting away on account of close proximity, or if one needs the space it occupies, or if it be more valuable for its timber than for its fruit, it is permissible to cut it down.

12. One who has bowel-troubles is forbidden to make use of the remedy that is recommended by some people, that of placing a vessel of hot water on his abdomen, as it is dangerous to do so.

13. One is forbidden to cross a stream when the water is rising, if it reaches above his loins, as he is in danger of being swept away by the water.

14. It is forbidden to utter any evil prognostication against any Israelite, even to say "If (about one absent) he were alive he would have come here," for "A covenant is made with the lips;" nor should one scare his children by means of an unclean thing; for instance, to say that a cat or a dog will fetch him. Concerning things of similar nature one should likewise keep away from the habit of expressing them.

CHAPTER XXXIV.

Laws Appertaining to Charity.

1. It is a positive commandment to give alms to the poor of Israel, for it is written: "Thou shalt open thy hand unto him" (Deut. xv, 8); and it is also said: "That thy brother may live with thee" (Lev. xxv, 36). He who sees a poor man beg and is blind to his supplications and gives him no relief, transgresses a negative precept, for it is said: "Thou shalt not harden thy heart nor shut thy hand from thy poor brother" (Deut. xv, 7). Charity symbolizes the descendants of our father Abraham, for it is said: "For I know him that he will command his children etc. to do *zedaḳeh* (charity)." The throne of Israel is established and the law of truth exists only by means of charity, for it is written: "In righteousness shalt thou be established" (Is. liv, 14). The giving of charity is greater than all the sacrifices, for it is said: "To exercise *zedaḳah* (charity) and justice is more acceptable to the Lord than sacrifice" (Prov. xxi, 3). And Israel will be redeemed only by means of charity, for it is written: "Zion shall be redeemed by justice, and those that return to her by *zedaḳah* (charity)" (Is. i, 27). No man ever becomes impoverished by giving charity, nor will any evil or harm result from its practice, as it is said: "And the work of charity shall be peace" (Is. xxxii, 17). To him that is merciful mercy is shown, as it is said: "And he will show thee mercy, and have compassion on thee and multiply thee" (Deut. xiii, 7). If one is cruel and merciless it is to be apprehended that his lineage is non-Jewish. The Holy One, blessed be He, listens to the cry of the poor, as it is said: "And the cry of the poor will He hear" (Job xxxiv,

28). Therefore should one beware of their cry (to the Lord) who has made a covenant with them, as it is said: "And it shall come to pass when he crieth unto Me, that I will hear for I am gracious" (Ex. xxii, 27); and in the Jerusalem Talmud it is said: "A door that did not open for the poor will open for the physician." A man should consider the fact that he is continually praying for sustinence from the Holy One, blessed be He, and just as he prays that the Holy One listen to his cry and supplication, so should he listen to the supplication of the poor. One should also consider that the wheel of fortune is ever revolving, and that he himself or his son or his grandson will eventually have to beg for charity. Let no one think to himself saying: "Why should I diminish my wealth by giving it to the poor?" for he has to know that the money really does not belong to him, but was entrusted to him as a bailment to execute the will of the Bailor. And thus is the man's portion of his toil in this world, as it is written: "And before thee shall go thy *zedaḳah* (charity)" (Is. lviii, 8). Charity delays evil decrees and increases life.

2. Every man must contribute to charity according to his means. Even a poor person who obtains his support from contributions of charity, for instance, when he has some money of his own but does not invest it in business, such a man is permitted to receive charitable contributions since his capital is not big enough so that he could support himself with the profits thereof, nevertheless since he has somehing to live upon, he is obliged to give charity from that which is given to him. Even if one can give only very little, yet he should not abstain from giving it, for the little he gives is equally worthy to the large contribution of the rich. And thus our Rabbis, of blessed memory, say: "Concerning the burnt-offering of an animal it is said 'A fire offering of sweet savor, (Lev. i, 9); concerning the burnt-offering of fowl it is said 'A fire offering of a sweet savor, (Idem, idem, 17); "and concerning a meat-offering is likewise said 'A fire offering of sweet savor, (Idem, ii, 2) this is to teach us that it is the same whether one gives much and one gives little, providing one directs his heart towards his Father in heaven." But the one who has barely sufficient to support himself is not obligated to give any charity, for his own sustenance takes preference above anybody else's.

3. How much should be given to a poor man? Sufficient to supply his needs. This, however, applies only to a poor man who receives charity in secrecy, then the men of his city must supply all his wants, even to maintain him in the same style in which he was accustomed to live before he became poor; but for the one who goes begging from door to door a small sum is given, in proportion to one's means. In any case the least that is to be given him in each town is bread sufficient for two meals and a place to sleep. The poor of all nations must be fed and clothed together with the poor of Israel for the sake of preserving peace.

4. How much shall a man contribute to charity? The first year the tithe of his capital; thereafter the tithe of his annual profits over and above his household expenses; this, however, is but charity of a modest kind, but the most approved manner of fulfilling this commandment is to give a fifth of the capital the first year, and thereafter a fifth of the annual profits. One shall not give away more than one-fifth, so that he may not eventually need the support of the community. This rule, however, is only applicable to a man while he lives, but at the time of one's death, he may bequeath even a third of his fortune to charity. One should not apply the tithe-money (set aside for charity) to the fulfillment of some other precept, for instance, to buy candles for a synagogue or for any other meritorious act; but it is to be given solely to the poor. However, when it happens that one has to fulfill a commandment, e. g., to initiate a son into the covenant of Abraham, or to dower a poor groom and a bride, and thus enable them to enter into wedlock, or commandments of similar nature; or to purchase religious books wherein he would learn himself and also lend them to others to learn therein; if he could not afford to spend his own money, and consequently, would not have fulfilled any of these commandments, he may use the tithe-money for these purposes. One who buys religious books with the money set aside for tithes, must be careful to lend them to others, unless he needs them for his own use, when he takes preference. He should also be careful to write on the books that they were bought with the tithe-money, so that his children, after his death, shall not take possession of them.

5. He who desires to make himself worthy must suppress his evil passions and open wide his hand, and see that everything he does for the glory of God, shall be of the best. If he build a synagogue, it must be more beautiful than his own home; when he feeds the hungry, he must feed them with the best food from his table; when he clothes the naked, he must clothe them with his best garments, and when he consecrates a thing, he should consecrate his best possession; and thus it is said: "All the fat is unto the Lord" (Lev. iii, 16).

6. He who supports his adult sons and daughters whom he is not obligated to support (being over six years old), in order to teach the male children the Torah, and to direct the daughters upon the proper path; also he who gives help to his father, who is in need of such help, this is included in charity; and not only this but he must give them preference to others. Even if it be not his son or his father only a kinsman, the latter takes precedence before all others. The poor living in his own house take precedence before the poor of his town, and the poor of his town take precedence before the poor of another town, for it is said: "To thy brother, to thy poor and to thy needy, in thy land" (Deut. xv, 11). But the collector of charities should take care not to give to his kinsmen more than to other poor.

7. He who gives alms to the poor with an unfriendly mien and downcast face, even if he give a thousand pieces of gold, there is no merit in it, for he has marred it by his manner of giving, and he transgresses:

"And thy heart shall not be grieved when thou givest it to him" (Idem, idem, 10). But he must give it with a friendly countenance and a joyful feeling, and he should also condole him in his distress, as Job had said: "Did I not weep for him that was in trouble? Was not my soul grieved for the needy?" (Job xxx, 25). He should also speak to him kind words of consolation, for it is said: "And the heart of the widow I caused to sing for joy" (Job xxix, 13).

8. It is forbidden to turn away the poor, who begs empty handed, even if you give only one dried fig, for it is said: "Oh let not the oppressed return confounded" (Ps. lxxiv, 21). If you have naught in your possession to give him, then appease him with words. It is forbidden to rebuke a poor man or to raise an angry voice against him for his heart is broken and humble; and lo it is said: "A broken and a contrite heart, O God, wilt Thou not despise" (Ps. li, 19). Woe unto him who has put the poor to shame. One should be as a father unto him, both in tender mercy and in words for it is said: "I was a father to the needy" (Job xxix, 16).

9. A promise to give charity is in the nature of a vow. Therefore if one say: "I shall give a *sala* for charity," or if he say: "This *sala* shall be for charity," it must be given to the poor at once, and if he delay in giving it, he transgresses the precept: "Thou shalt not delay" (Deut. xxiii, 21), since he could have given it forthwith. However, if the poor are not present, he should lay that money aside until he finds poor people (to whom to give it). When one makes a charitable vow in the synagogue, where the money is given to the collector of charities, he does not violate the commandment until the latter had asked for it. Then noncompliance on his part immediately constitutes a violation, unless he knows that the collector does not then need the money for charitable dispensation, but that he would only keep it in his possession.

10. If a man say: "I will give a *sala* charity to such and such a poor man," he does not violate the precept before that particular person come. Any man is allowed to set aside a certain sum of money for charitable purposes, which he may keep in his possession and then distribute it little by little to whomever he sees fit.

11. He who urges others to give charity and causes them to practice it, earns a greater reward than the one who gives; as it is said: "And the work of charity shall be peace" (Is. xxxii, 17), and concerning the collector of charity and others like him, it is said: "And they that turn many to charity (shall shine) as the stars for ever and ever" (Dan. xii, 13). The collector of charity should disregard the fact that at times they are insulted by the poor, because on account of this his reward is greater.

12. The highest degree which cannot be excelled by any other degree in the practice of charity is attained by him who comes to the relief of an Israelite who has become poor and in bad circumstances, before he reached the stage of poverty, and by making him a substantial gift in

an honorable way, or by making him a loan, or by entering into a partnership with him, or by obtaining some business or employment for him, he relieves him to the extent that he would not be forced to seek support from his fellow creatures. Concerning him it is said: "Then thou shalt relieve him" (Lev. xxx, 35), which means, assist him so that he fall not.

13. It is advisable to make charitable contributions in secrecy as much as possible. And if possible to give it in a way that he himself should not know to whom he is giving it, and the poor man should not know from whom he is receiving it; this mode of giving is very good. At any rate no man should boast with the charitable contributions he makes. But if one consecrate a certain article for charitable purposes, it is permissible to have his name engraved thereon so that it serve as a memorial; this is a proper thing to do.

14. More especially should care be taken in the treatment of a scholar who is poor, to give him in a manner according to his dignity. If he be unwilling to accept charity, some business should be procured for him by obtaining merchandise for him at a low price, and purchase it back from him at a high price. If he knows how to conduct a business, money should be lent to him wherewith to do business. Our Rabbis, of blessed memory, said: "He who supplies a scholar with merchandise whereby he may gain a livelihood, merits to sit in the divine court. They said again: "The prediction of all the Prophets were prophecied only for the sake of him who establishes a scholar in business, and who gives his daughter in marriage to a scholar."

15. A man should at all times suffer hardships rather than become dependent on men. And thus did our Sages, of blessed memory, command: "Rather make thy Sabbath a week-day (as regards festive meals) than be dependent on men. Even if one were an honored sage and he became poor, he should rather find some occupation, even of menial kind, than become dependent on men.

16. Whoever has no need of taking charity yet deceives the people and does take it, does not die until he actually becomes dependent on men. He who is in need of taking charity and cannot exist unless he would take help, e. g., an old man, or a sick man, or a suffering man, but he does not take it because of pride, is guilty of bloodshed and forfeits his own life, and he has nothing for his pain but sins and transgressions. But he who is in need to take charity, and rather suffers distress and constrains himself to live a life of hardship, in order not to become a public charge, he will not die until he has supported others from his own means; and of him it is said: "Blessed is the man that trusteth in the Lord" (ibid 7).

CHAPTER XXXV.

Laws Concerning the Separation of the Dough (Hallah).

1. Out of the dough made of one of the five species of grain, *hallah* must be separated. Prior to separating the dough, we say the benediction: "Blessed art Thou, O Lord our God, who hast sanctified us with Thy commandments, and hast commanded us to separate the *hallah*." Then dough of the size of an olive is taken and burnt. The custom is to burn it in the same oven where the bread is being baked.

2. What is the quantity of the dough which becomes liable to the law to *hallah*? Whatever is made out of five quarters of flour, which are equivalent to forty-three and one-fifth eggs.

3. The unleavened cakes baked for Passover, although each mass of dough does not contain the requisite quantity of flour for separating the *hallah*, nevertheless by placing the cakes in one vessel it unites them and makes the separation of the *hallah* obligatory. Care should be taken to have all the unleavened cakes inside the vessel; yet if part be inside the vessel and part protrude outside, nevertheless they count as one. But if whole unleavened cakes lie only on the top of the vessel and not inside the vessel, they do not count as one quantity; even if they be covered with a cloth, it is of no avail. If one had placed the unleavened cakes in a sheet and covered them with the same sheet, it is considered as though it were a vessel to make them count as one, even though some of the unleavened cakes be uncovered in the middle. Only care should be taken that whole unleavened cakes are not outside the sheet.

4. The leaven taken from dough for causing fermentation in other dough should be removed before the *hallah* has been separated. But the leaven taken for causing fermentation in liquids, which we call *Borsht*, should be removed after the *hallah* has been separated.

5. After Passover, when leaven is bought from a non-Jew to leaven other dough therewith, care should be taken to separate *hallah* from the dough a slice larger than the leaven bought.

6. If one prepare dough for cooking or frying purposes, he must separate the *hallah* portion without saying a benediction. But if the dough is prepared to use a part thereof, immaterial how small it may be, for baking purposes, the *hallah* portion must be separated and the benediction must be said.

7. If the dough be kneaded with eggs or with any kind of juice of fruit, there are many doubts concerning this preparation (whether or not *hallah* should be separated). It is therefore necessary to mix the dough with a little water, milk, honey, wine, or olive oil, while kneading it, for then the *hallah* portion must be separated therefrom and the benediction said.

8. The precept concerning the separation of the *hallah* applies especially to the mistress of the house, but if she be not at home, and there is a likelihood that the dough may become spoiled before she returns, then the servant or some other person may separate the *hallah.*

9. If one forgot to separate the *hallah* on the Eve of Sabbath, then in countries other than Palestine the bread can be eaten on the Sabbath, and a portion of it be left over, and at the termination of the Sabbath the *hallah* portion is to be taken therefrom. The portion thus left over should be large enough for the *hallah* to be separated therefrom and still have something left over, as it is necessary that the remainder be substantial (after the *hallah* has been separated). If the day preceding Passover fall on the Sabbath and one forgot to separate the *hallah* from the bread which was baked in honor of the Sabbath, there is a great diversity of opinion regarding this, and therefore every man should be careful on the Eve of the Sabbath to remind his family concerning the separation of the *hallah.*

CHAPTER XXXVI.

Laws Concerning the Salting of Meat.

1. Before the meat is salted it must be thoroughly washed in water. The meat should be soaked and entirely submerged in water for half an hour. Wherever a particle of blood is visible it should be thoroughly washed off with the water in which it is soaking. In the case of fowls, the place where the incision is made at the killing thereof, should also be thoroughly washed, and inside the fowl where any blood is visible should also be washed off. Sometimes in cattle and fowls lumps of coagulated blood due to a wound are to be found, these must be cut away and removed before the meat is soaked. When the water is very cold, it should be put in a warm place to take the cold out before the meat is soaked herein, because on account of the cold in the water the meat becomes hardened and herefore the blood will not emerge when the meat is salted.

2. If one forgot and allowed the meat to soak in water for twenty-four hours, the meat as well as the vessel in which it was soaked must not be used. If a liver was soaked in water for twenty-four hours, then an authority should be consulted.

3. On the Eve of the Sabbath when there is no time to spare, or on another occasion when one is pressed for time, it is sufficient to thoroughly wash the meat and let it soak just a little in water, and when the water is no longer red (because of the blood), the meat may be salted.

4. If after the soaking the meat was cut up into two pieces, the place where it was cut must be thoroughly rinsed on account of the blood which is found in that part.

5. Meat that was hardened by the frost must be softened, but it must not be placed near a hot furnace. In time of emergency it may be soaked in tepid water.

6. The utensil specifically used for soaking of meat must not be used in connection with any other kind of food.

7. After the meat has been soaked the water must be allowed to drip off therefrom, so that the salt might not be dissolved and thereby become ineffective in drawing out the blood. It is necessary to take care that the meat should not become thoroughly dry, for then the salt would fall off.

8. The salt should not be grained as fine as flour, as it would forthwith become dissolved and would not properly draw out the blood. Neither should the salt be very coarse as it may drop from the meat. But the salt should be of a medium size, like the salt used for boiling purposes, and it must be dry so that it can be well sprinkled.

9. The salt should be sprinkled on all sides (of the meat), so that there is not a spot left unsalted. One should therefore take care to open poultry properly so that they can be salted from within.

10. The meat that has been salted must be placed where the blood can easily flow therefrom; therefore the basket with the meat therein must not be placed on the ground, as the flow of blood will be impeded thereby. Even though the meat remained in salt for the proper period of time (one hour) previous to cleansing it, yet it should not be placed where the blood cannot flow freely therefrom. If the salting of meat is done on a board, it must be placed in an oblique position, in order that the blood may freely flow therefrom; nor should there be a hollow part in the board where brine may accumulate. When one salts poultry or the entire side of an animal which contains an inside and a cavity, then the hollow part should be turned downward so that the blood may freely flow down.

11. The meat should lie with the salt for one hour, but in cases of emergency, twenty-four minutes are sufficient.

12. After the meat had remained in the salt the proper length of time, the salt should be entirely removed therefrom, and the meat thoroughly washed three times. A God-fearing woman should personally supervise the washing of the meat, for her servant, who brings in the water on her shoulder, may sometimes be stint with the water, and thereby, God forbid, come to the violation of the law prohibiting blood. Care should be taken not to place the meat before it is purged into a vessel without water.

13. Care should be taken to remove the head of poultry before it is being soaked; and if they were salted with the heads attached, the proper authorities should be consulted. The same care should likewise be taken with regard to cattle.

14. Meat which had not been salted must not be placed on a spot where salt is sometimes put. A special vessel for the meat must be set aside, and in such vessel one must not put vegetables or fruit or other articles of food which are consumed without being purged, because the blood from the meat clings to the vessel, and from the vessel it is communicated to the articles of food.

15. The head must be split open, the brains removed and the membrane upon it rent before the soaking can take place. The head must be soaked and salted by itself, and it must be salted within and also without; it may be salted without even if the hair still be thereon.

16. Bones containing marrow while they still adhere to the meat should be salted together with the meat just as they are; but if they be separated from the meat, they should be salted by themselves, and during their salting they should not be placed near the meat.

17. The hoofs of animals must be cut round their extremities before the soaking takes place, so that the blood can flow out. They must be put in such position that the blood can flow out, and it is permissible to salt them when they have the hair on.

18. It is necessary to rend the heart before the soaking takes place, so that the blood may issue forth.

19. It is also customary to cut the lung of the animal and to lay open the large tubes which it contains before the soaking takes place.

20. The liver, containing a large quantity of blood, cannot be made ready for cooking by the mere process of salting, but it must be broiled on fire prior thereto. It should be properly rent asunder, and where the rent is it must be placed on the fire in order to draw out all the blood thoroughly. It must be purged before it is placed on the fire, and slightly sprinkled with salt as it is broiling over the fire. It must be thus broiled until it is fit to eat, and thereafter it must be thoroughly purged from the blood which has been discharged; and care should be taken that it should be purged three times, and thereafter it may be boiled.

21. Care should be taken to broil the liver over a fire only, and not in an oven cleansed of ashes. It must also not be broiled wrapped up in paper, be it even of the commonest kind.

22. It is forbidden to salt the liver in the same manner as meat is salted, and it certainly should not be salted together with meat.

23. The spleen is governed by the same laws as apply to meat; with the exception, however, that the membrane which surrounds it must be removed therefrom, because the membrane is forbidden for the reason that it is placd in the same class with fat. It should also be cleaned from the veins it contains as follows: he takees hold of the head of the splenic vein and pulls it out, which draws along with it three cords that are contained therein. Care should be taken not to sever any of these cords, and if it be severed, it is necessary to remove it from the root thereof.

24 The mesentery (membrane keeping the entrails in position) and other entrails should be salted on their exterior surface where the fat clings to.

25. If the stomach of a calf contains milk, the milk must be spilled out before soaking, and it is then treated like other meat.

26. Eggs found inside poultry, it matters not whether they are yet very small or they are in their complete state of growth in their shells, require soaking, salting and purging, but they should not be salted together with the meat. They must be placed in such position that the blood from the meat could not flow upon them. Such eggs, even though they be in the complete state, must not be eaten together with milk.

27. Meat which has been put aside for seventy-two hours must not be used unless it has been soaked in the interval.

28. It is customary to singe fowls of which the feathers have been removed in order to remove the remaining feathers. Care should be taken that this should only be done over the flame of stubble or straw and that the flame be not big, and that the poultry be moved to and fro so that it should not become heated.

CHAPTER XXXVII.

Laws Concerning the Immersion of Utensils.

1. If one purchase table or kitchen utensils from a heathen, even if they be new, but if they are made of metal or glass, he is forbidden to make any use of them whatsoever, even if they be for cold viands, before he dips them in a well or in a pool which is fit for the ritual immersion of a woman after the period of menstruation, in order that it may be transferred from the unholiness of the heathen to the holiness of the Israelite. Previous to the immersion of one vessel he should say the benediction: "Who has sanctified us by His commandments and commanded us con-

cerning the immersion of *a vessel*;" and upon immersing two or more vessels, he should say the benediction: "Who has sanctified us by His commandments and has commanded us concerning the immersion of *vessels*."

2. Since vessels must be immersed only in a place suitable for the immersion of women, therefore great care should be taken not to immerse them in streams in a time when they are swelled by excessive rain or during a thaw. This thaw generally occurs before Passover when the rivers swell up and vessels are immersed there; this is improper practice. (Vide Chapter clxii, infra).

3. Wooden vessels do not require immersion, but if they have hoops of iron they must be immersed without pronouncing the benediction. Earthen vessels likewise require no immersion. but if they be glazed on the inside they must be immersed but without pronouncing the benediction; the same law applies to porcelain vessels.

4. If it is an old vessel which was used by a non-Jew in such a manner as to necessitate it being made fit for use by putting it in boiling water or making it red hot, they must be first so made fit and thereafter immersed.

5. If one hire or borrow a vessel of a non-Jew it does not require immersion; and if he hires or borrows vessels of a Jewish dealer it requires immersion, but no benediction should be pronounced. The dealer should inform it to the one who subsequently buys the vessels in order that the latter should not again immerse them and pronounce the benediction.

6. If an Israelite has a factory of glassware and employs non-Jewish workmen, the vessels manufactured therein require immersion without pronouncing the benediction.

7. If an Israelite gave silver or any metal to a non-Jewish artisan to make a vessel therefrom, or if he gave him to repair a leaking vessel that could not contain a fourth of a Lug (a quantity equal to the capacity of two eggs), also requires immersion without pronouncing the benediction.

8. Only vessels used for containing food fit to be eaten immediately not requiring any other preparation need be immersed. Iron vessels wherein the Matzoth are prepared, or where the dough is cut, or the needle wherewith stuffed birds or stuffed parts of animals are sewn together, and the like, do not require immersion. A slaughtering knife or a knife wherewith the skin of animals is removed, since it may be utilized to cut therewith food fit to eat, likewise trays upon which Matzoth are placed, require immersion but without pronouncing the benediction. A tripod upon which the pots are placed to be cooked, because it is not

touched by the food does not require immersion. A metal spit with which meat is roasted must be immersed pronouncing the benediction. Some authorities hold that big glass bottles out of which people do not drink but in which liquids are kept to be emptied into drinking glasses are not called table utensils and do not require immersion; while there are others who hold that they do require immersion; they therefore have to be immersed but without pronouncing the benediction.

9. Pepper grinders need be immersed on account of the metalic parts, but the lower part thereof which receives the ground pepper need not be immersed since it is made of wood. Coffee grinders should be immersed without pronouncing the benediction.

10. Before dipping the vessel in the water care should be taken that the vessel be clean, and that neither dirt nor rust be found thereon, for it must be neither soiled nor rusty. (But a particle of rust or a little black, usually found on such vessels and regarding which one is not particular, is not considered harmful). The entire vessel must be submerged at one time so that the whole of it should be in the water. A vessel with a handle must be submerged with handle and all at one time. If one holds the vessel with his hand during immersion, he should first dip his hand into the water, and he should not hold the vessel tightly in his hand, but he should hold it with an ordinary grip. If the vessel be dipped by means of a string attached thereto, for instance when it is immersed in a well, care should be taken that the string be loosely knotted in order that the water may reach every part of the vessel.

11. If one immerse vessels which have a narrow opening, he should be careful to keep it in the water until they fill entirely so that the water should cover it both within and without.

12. A minor male or female may not be entrusted with the immersion of vessels.

13. It is forbidden to immerse a vessel either on the Sabbath or on a Festival. If one had forgotten to immerse it before those days, he should give it to a non-Jew as a gift, and then borrow it from him. If it be a vessel fit to carry water therein, in a locality where carrying on the Sabbath is permissible, he should draw water therewith and bring the water into his house, in order that it should not appear as if he had immersed it, but he should not say the benediction over the same.

CHAPTER XXXVIII.

Laws Concerning the Bread, the Cooked Food and the Milk of a Non-Jew.

1. The sages prohibited to eat bread of a non-Jew. There are places where people are not stringent and purchase bread of a non-Jewish baker, either because there is no Jewish baker at all in that place, or

there is a Jewish baker, but the bread of the latter is inferior to that of the former. However, regarding the bread of a non-Jewish private person they are stringent about it and would permit the use of it only in cases of extreme necessity. If one be on the road, if he is able to obtain Jewish bread, he should wait up to a mile (to obtain it). Private bread is called only when it was especially baked for his family, but if it were made for the purpose of being sold, it is called a baker's bread although he is not accustomed thereto; if a baker bakes bread for his own family it is called private bread. There is one authority who holds that in places where a baker cannot be found, one is permitted to partake of the bread of a private person, and he need not wait for *kosher* bread; and thus it is customary.

2. If an Israelite had thrown but one piece of wood into the oven (of a non-Jew) at the time the fire was lit, it is permissible to partake of the bread baked in that oven, as it is no longer considered as the bread of a non-Jew.

3. The bread of a non-Jew is prohibited only when made of the five kinds of grain, but bread made out of pulse, beans, peas, etc. is not included in bread; neither can it be prohibited on the theory that it is boiled by a non-Jew, since it is not a food served on the tables of kings.

4. Bread of a non-Jew smeared over with eggs is forbidden on account of the eggs upon it, for it is the cooking of a non-Jew. Those cakes which are baked on iron pans, and there is a probability that the iron pan was smeared over with some kind of fat, are forbidden in any event on account of the absorption of the prohibited fat.

5. Bread of an Israelite baked by a non-Jew is much worse than the bread of a non-Jew, and it is forbidden inasmuch as it comes under the rule of the cooking of a non-Jew, if he did not make the oven fit by throwing therein a piece of wood. It is necessary to be careful about this, viz., that when one sends something to be baked or roasted in an oven of a heathen baker, an Israelite should throw a piece of wood into the oven, or an Israelite put the bread or the pan into the oven.

6. An article of food that is not eaten in its natural state, and is fit to be served at the table of kings, either as a relish eaten with bread or as dessert, if cooked or roasted by a heathen even in the utensils of an Israelite and in the house of an Israelite it is yet forbidden food, inasmuch as it is the cooking of a heathen. However, an article of food that is eaten when raw, or that is neither a delicacy nor fit to be served at the table of kings, is not affected by the rules dealing with the cooking of a heathen. Nor need any apprehension be felt regarding the vessels, as it may be assumed regarding vessels in general that no cooking has been done in them during the past twenty-four hours.

7. A Jewish family employing a heathen, who cooks for them in their own house, it is customary not to be stringent about it, because it is impossible that not one member of the family should rake the fire.

8. However, if the servant does the cooking for herself alone, it is not customary that the Israelite should rake the fire (and possibly such raking would be of no avail because this case is severer than the one if she had cooked for an Israelite), therefore if she cooked food governed by the rules of the cookings of a heathen, not only the food is forbidden, but also the use of the pot is forbidden, and if one did use it he must consult the proper authority about it.

9. Food cooked by a heathen for a sick person on the Sabbath is forbidden to be eaten at the close of the Sabbath even by the sick person himself, if it be possible to cook other food for him. As regards the vessels, they may be permitted for use after the expiration of twenty-four hours.

10. Regarding an egg, although it may be swallowed raw but since this is only food in cases of emergency, if it was boiled by a non-Jew it is forbidden. This rule applies also to anything similar thereto.

11. Fruits, not fully ripened on the tree and which cannot be eaten raw excepting in cases of emergency, when preserved by experts in sugar are forbidden because it comes under the rule of the cooking of a heathen.

12. It is customary to permit the drinking of intoxicating drinks made from grain or honey, even when sold in a house of a heathen. The rule of the cooking of a heathen has no application to this case because the grain looses its identity in the water. It is only necessary to investigate whether or not it was made with wine-yeast. In places where Israelites disdain the law and permit the use of heathen wine, then conscientious persons should even restrict the use of beer. Relative to the drinking of coffee (without milk, for with milk it is surely prohibited), chocolate and tea with a heathen, he who is conscientious should keep away from it. Some authorities permit to drink the above only occasionally but not to make it a regular practice.

13. Milk which has been milked by a heathen, not under the supervision of an Israelite, is prohibited to be consumed; and it is even forbidden to make cheese therefrom. It is necessary that an Israelite be present at the outset, when the milking is to take place, and to see to it that the

milk vessel is clean. It is customary to be stringent about it and not to milk into a vessel which is generally used by a heathen. When a heathen servant milks the cows in the house of an Israelite or in his barn, as long as there is no house belonging to a heathen intervening, and it is not to fear that the milk may be drawn from an unclean animal, it is permissible to let them milk. However, if the house belonging to a heathen does intervene, it is necessary that an Israelite be present at the milking; even a boy or a girl aged nine years is sufficient for that purpose.

14. The cheese of a heathen is forbidden food. If, however, an Israelite had witnessed the milking as well as the making of the cheese, then if during the process the cheese belonged to an Israelite, he is permitted to partake thereof; but if during the process it belonged to the heathen, it is forbidden food.

15. Whether butter of a heathen is permissible food or not depends upon the custom of the locality. There are localities where the butter of a heathen is not eaten, and there are places where it is eaten. He who goes from a place where it is not eaten to a place where it is eaten, although his intention be to return to his habitant place, yet he is permitted to eat it with them. He who goes from a place it is eaten to a place where it is not eaten, is not allowed to eat it there. Nowadays it is rumored that they (the heathens) mix the butter with lard, therefore the conscientious person should keep away from it.

CHAPTER XXXIX.

Laws Regarding One Who desires to Eat or Drink before Meals.

1. If, before washing the hands (before meals), one desires to eat of the kinds of food to be served in the course of the meal, immaterial whether such food requires an extra benediction when eaten during the meal, such as fruits, or it is a kind of food that requires no benediction when eaten during the meal, such as all kinds of vegetables, pods or potatoes; or if one desires to drink any liquid (excepting wine) before washing the hands and also intends to drink some during the meals: there is a diversity of opinion between the authorities whether or not the things eaten or drunk before washing the hands are exempt (from saying the last benediction) by saying Grace after meals, just as those foods eaten during the meal are exempted. Therefore one should avoid eating or drinking those things excepting before the meal and thereafter pronounce the last benediction, but one should not eat or drink of them in the course of the meal. If one neglected to say the last benediction before the meal, he may say it either in the course of the meal, or even after Grace. If he ate or drank

of these kinds also in the course of the meal, then he should eat or drink something after the meal and pronounce the last benediction in order to include that which was eaten or drunk before the meal.

2. If one wants to drink wine before washing the hands, although it is not his intention to drink wine in the course of the meal, yet there are some authorities who hold that since the wine is used only as a stimulant for the bowels and to sharpen the appetite, it is included in the meal and is absolved (from saying the last benediction) by saying Grace after the meal. There are others who hold that even if one drink wine in the course of the meal, yet the wine drunk before washing the hands is not exempted from the benediction by the Grace. Therefore it is necessary that one abstain from drinking wine before meals, unless he drinks one glass also after the meal pronouncing thereafter the benediction "for the vine" etc., and thereby also exempt from benediction the wine drunk before washing the hands. If one desire to drink whiskey before the meal, whether he intends to drink some in the course of the meal or not, he should be careful to drink before the meal less than the size of an olive; but if he drank as much as an olive or more, then he creates thereby the doubt whether the last benediction becomes necessary or not.

3. If, before washing the hands, one desire to eat of the kinds of food, such as honey cakes, egg cakes and the like, after the eating of which we say the benediction "For sustenance" etc., immaterial whether he intends to eat of the same during the meal or not, Grace after meal exempts him from saying the above benediction (because the Grace after meals exempts one from saying the benediction "For sustenance" etc.) The foregoing, however, applies only to a case where there is no prolonged interruption between such eating and the washing of the hands; but if he be compelled to allow a long interval to elapse, he should first say the benediction "For the sustenance" etc., on account of the food he had eaten, even if he should intend to eat of the same kinds of food during the meal.

CHAPTER XL.

Laws Concerning the Washing of the Hands before Meals.

1. One desiring to partake of bread over which the benediction "He who bringeth forth" etc. is said, is required to wash his hands first, if the bread is the size of an egg, and say the benediction for washing hands; but if it be less than the size of an egg, he need not say the benediction.

2. The washing of the hands (before meals) must be out of a vessel only, and it is necessary that the vessel be whole, having neither a hole nor a crack going through. It should also be even at the top without any cavities or protruding parts. When one has a vessel with a spout

through which the water is poured, then he must not let the water with which he washes his hands run through the spout, because a spout is not governed by the laws applying to a vessel, since it does not contain any liquid. He must therefore pour the water from the edge of the vessel which contains the liquid.

3. A vessel that can stand only by means of support, if it had been originally made to be used only by means of support, then it is considered in law a vessel, but if it had not originally been made to be so used, for instance when it is a cover of some vessel, the hands should not be washed therewith. Concerning this there are many diversities of opinion in the Shulhan Aruk.

4. To determine exactly the quantity of water (required for the purpose of washing the hands) is difficult. It is necessary therefore to pour abundantly water upon the hands, for Rab Hisda had said: "I wash with handsfull of water, and handsfull of goodness are given me." First the right hand should be washed thereafter the left. The water must cover the entire hand, i. e. unto the wrist of the arm. One should leave no part of his hands unwashed; therefore he should slightly separate his fingers, and raise them slightly upward in order that the water should run down the entire length of the fingers, also upon the finger tips and around their circumference. The entire hand should be washed by one outpouring of water, and therefore one should not wash his hands out of a vessel with a narrow opening and consequently the water cannot flow out freely by one act of pouring out. It is proper to pour the water twice on each hand.

5. After one had washed both hands, he should rub them together, and then raise them upward, as it is written: "Lift up your hands" etc. (Ps. cxxxiv, 2); then before drying them he should say the benediction: "Blessed art Thou, O Lord our God, who hast sanctified us with His commandments and he has commanded us concerning the washing of the hands." (And although the benediction is in every case pronounced before the precept is performed, Chapter ix, 8, supra, nevertheless in the case of washing the hands, since a man's hands are at times unclean before washing, therefore it was enacted that in every case of handwashing the benediction should be said after the washing: furthermore the drying of the hands is also a part of the precept). And he who is accustomed to pour water twice on each hand, he should first pour once on each hand, rub them together, pronounce the benediction and thereafter pour a second time upon each hand. And one should be careful to have his hands thoroughly dried, and he should not dry them with his shirt because it is harmful to the memory.

6. If after having poured the water upon one of his hands, he had touched that hand with the other hand, or someone else had touched it, the water on his hand became defiled by the contact. The hand must therefore be dried and then washed a second time. But if such a thing happened to him after he had pronounced the benediction, he need not say the benediction again.

7. If one has no vessel, he may dip his hands into a river, or into a tank fit for the immersion of women, or into a well although there are no forty *sa'ahs* of water in there, as long as the water covers his both hands at one time, and he likewise pronounces the benediction "Concerning the washing of the hands." In cases of emergency one is permitted to dip his hands into snow if there is enough on the ground to make up as much as is necessary for an immersion tank (forty *sa'ahs* of water, approximately twenty-four cubic feet). If one has to wash his hands from a pump, he should put one of his hands near the ground and with the other hand pump water, and thereafter he should alternate his hand; or somebody else should pump the water for him. But if his hands are high above the ground, the washing is not valid.

8. If the appearance of the water has changed, either because of the place where it was or because something fell therein, it is unfit for use in washing the hands; but if the change was due to natural causes, it is fit. Water which has been used, e. g., when one had washed soiled utensils therewith, or had soaked vegetables therein, or he had placed therein vessels containing a liquid for the purpose of keeping it cool, or he had tested therewith the capacity of measures, is unfit. There are some who declare as unfit water which had become loathesome, for instance when a dog or a pig or the like drank out of it, because it is considered as dirty water; and it is proper to pay heed to their decision.

9. If one who had not washed his hands had touched water, the water does not become defiled thereby. Therefore upon leaving the privy one may take a handful of water out of the barrel to wash his hands therewith, and the remainder is fit to be used for washing the hands. But if one washed his hands in the water to clean them, even if he dipped therein only his little finger for the purpose of cleaning it, the whole water becomes unclean thereby since some work was done with it.

10. Salt water, foul, bitter or turbid, which is not fit for a dog to drink are unfit for use in washing the hands.

11. Before washing the hands one must well examine them to see whether they are clean without having any interposition (between any part of the hand and the water). The one who has big nails must be careful to clean them well so that there should not be any clay or dirt under them, because this is considered an interposition. It is likewise necessary to remove the rings from the fingers before washing so that there be no interposition.

12. One whose hands are dyed, if there is no dye stuff on them but mere coloring, it is not considered an interposition; but if there is dye stuff on them even a small quantity, it is considered an interposition. But if this is his trade, being a dyer, or if he is a butcher and his hands are

stained with blood, or if he is a scribe and his fingers are stained with ink, and he is accustomed thereto, nor are any of his craft particular in that respect, it is not considered as an interposition, unless it cover the greater part of his hand. If one have a bruise on his hand upon which there is a plaster and it is painful to remove it, it is not an interposition.

13. The water used in washing the hands should be poured on the hands by human agency, but if the water come down by itself then no valid washing can be done therewith. A barrel that has a bung-hole and when the bung is removed the water comes out by the first force, then the first outflow only is considered as human agency, but the water coming out thereafter is not considered any longer as human agency but as if it came by itself. Therefore the one desiring to wash his hands through the bung has to observe that with the first outflow the entire hand is covered; then he must shut the bung-hole, and thereafter open it again for the second outpour. The one who is unable to judge these measurements should not wash his hands in this manner; needless to state that one should not wash his hands out of a kettle that has a small bung-hole and the outflow is light.

14. One is forbidden to eat without having first washed his hands, even if he desires to wrap up his hands in cloth (he is not yet exempted from washing his hands). If one be on a journey and has no water, but he knows that water can be obtained four miles ahead or one mile backwards, he must travel four miles ahead and one mile backwards in order to wash his hands before eating. But if water cannot be obtained there, or if he travel with a company and is afraid to separate himself from them, or if one be prevented from washing his hands through some other cause, he should wrap his hands in a cloth or put on gloves and then eat.

15. Concerning the one who has discharged nature's call before a meal, and must therefore wash his hands and say the benediction: "Who has formed us," and he also has to wash his hands before the meal, there are many doubtful decisions. Therefore the proper thing to do is to first wash his hands in a manner not satisfying the law; i. e., he should pour only a little water into the palm of one hand and with that rub both hands together then dry them well and say the benediction "He who has formed us." Thereafter he should wash his hands as prescribed by law appertaining to the law of washing the hands, and say the benediction "Concerning the washing of the hands."

16. If during the meal one has touched any part of his body usually covered, or has scratched his head, or has urinated, he must wash his hands again but without saying the benediction. Even if he performed

his necessities in the midst of the meal he need not say the benediction "Concerning the washing of the hands."

17. If one eats a thing that was dipped in a liquid, or if a liquid was poured on the food and it is still moist from the liquid, although he does not touch the place where the liquid was, yet he must wash his hands first, but he need not say the benediction "Concerning the washing of the hands". Many people are lenient in this matter, but every God-fearing person should be stringent about it.

18. Liquids with relation to this law are seven in number, and they are: Wine also vinegar from wine, honey from bees, olive oil, milk and included in this is also serum of milk, dew, blood of animals, cattle and fowl (when taken for medicinal purposes), and water. But other fruit juice, even in places where it is customary to make liquid for drinking purposes by pressing out some fruit, are not included in the law of liquids as regards this law.

19. Fruits preserved in sugar do not require the ritual washing of the hands, because sugar is not a liquid. Also the moisture that comes out of fruit is not a liquid because it is fruit juice. But if the fruit is preserved in honey, then if the honey is well congealed, it is no longer regarded as a liquid, but becomes a food and does not require the washing of the hands. But if it was not well congealed but became thickened a little but is still dripping, it does require the washing of the hands. Butter, which is generally included in milk, if it is congealed it is not a liquid but food, but if it is melted it is a liquid.

20. Things that are generally eaten without either spoon or fork even if this particular person does so eat it with a spoon or a fork, require the washing of the hands. But a thing which is generally eaten only with a spoon or with a fork, for instance pancakes or the like, also fruits preserved in honey, in places where it is customary to eat them only with a spoon or with a fork, do not require the washing of the hands.

21. Salt that is formed out of water is nevertheless regarded as water (because water even congealed is still regarded as water). If one therefore dip radishes or anything like it in salt, he must wash his hands. Brandy made out of corn or fruit is not regarded as a liquid with respect to this matter, because it is nothing but the vapor of the corn or of the fruit. And although it contains some water, and it is also mixed with some water, nevertheless it is only a minor part thereof, therefore if one

dip something in it and eats it, he need not wash his hands. But whiskey made out of grape kernels, or shells, or from the lees of wine, should apparently be regarded as a liquid.

CHAPTER XLI.

Laws Regarding the Breaking of Bread and its Benediction

1. On true bread, that is made of one of the five kinds of grain, we say the benediction "Who bringest forth", and after eating it we say the Grace after meals.

2. One must be careful not to make any interruption between the washing of the hands and the saying of the benediction over the bread, but he may respond Amen after any benediction which he may hear. A pause lasting as much time as it takes to walk twenty-cubits, or walking from one house to the other, be it only a short distance, or talking about matters not appertaining to the meal, constitute an interruption. However, if one inadvertantly make an interruption, it does not matter, unless he does some task or engages in some lengthy conversation, which constitutes a diversion of attention and he is required to wash his hands again.

3. One should break off the bread at the choicest spot thereof in honor of the benediction. The crust of the bread constitutes the choicest part of the bread, for that is the place where it was baked best, and that is the obverse part of the bread where it breaks open, for at the part it begins to bake there is pressure due to the expansion of the dough until the obverse part breaks open. Nevertheless, an old person, for whom it is difficult to eat hard bread, may break off the soft part. As it is improper to allow the delay caused by cutting the bread to elapse between the benediction and the eating of the bread, therefore one should make a circular incision in the bread but should not sever it entirely, so that by raising the broken portion he should raise the entire loaf with it, for otherwise it would be considered a severed morsel, and it is essential to pronounce the benediction on an entire loaf. He should leave the piece thus joined to the loaf and pronounce the benediction over the bread, and upon the conclusion of the benediction, he should divide it, so that the benediction may be concluded while the loaf is still in its entirety. When one breaks off a piece from a loaf which is not whole, he should not cut it entirely before the benediction has been said, so that when he says the benediction the loaf be as large as possible. On the Sabbath, however, one should not cut the loaf at all until after the benediction, so that the loaves are perfectly whole. Also on a week-day, if the bread be a thin cake, he should say the benediction before cutting it, since the cutting does not consume much time.

4. One should not break off a small portion of bread so that he should not appear to be mean, nor a portion larger than the size of an egg so that he should not appear to be a glutton. The above applies only to a case where he eats alone, but if he eats in company with many people and he is required to give each a portion of the bread the size of an olive, he may divide the bread in such manner as is best suited to the occasion. On the Sabbath, even if he eats alone, he may cut a portion large enough

to last him the entire meal, in honor of the Sabbath, in order to evince his fondness for the Sabbath repast by his desire to partake liberally thereof. It is proper to partake of the portion which he had broken off before partaking of any other morsel, and this is to show his love for the commandment since this is the portion over which he has pronounced the benediction. It is well to be careful not to give aught thereof to a non-Jew, a beast or a fowl.

5. Previous to pronouncing the benediction one should lay both hands upon the bread; his ten fingers being typical of the ten commandments concerning bread, which are as follows: "Thou shalt not plow with an ox and an ass together" (Deut. xxii, 10); "Thou shalt not sow thy vineyard with divers seeds" (Ibid 9); "Neither shalt thou gather the gleanings of thy harvest" (Lev. xix, 9); "When thou cuttest down thine harvest in thy field, and hast forgotten a sheaf in the field, thou shalt not go again to fetch it" (Deut. xxiv, 19); "Thou shalt not wholly reap the corners of thy field" (Lev. xix, 9); "Thou shalt not muzzle the ox when he treadeth out the corn" (Deut. xxv, b); "Then it shall be when you eat of the bread of the land, you shall offer up an heave-offering unto the Lord" (Numb. xv, 19); "The first tithes, the second tithes, and the separation of the dough." Therefore there are ten words in the benediction pronounced over the bread; ten words in the verse "The eyes of all wait properly upon Thee etc. (Ps. cxlv. 15); in the verse: "A land of wheat and barley" etc. (Deut. viii, 8); and ten words in the verse: "May God give thee" etc. (Gen. xxvii, 28). When he pronounces the Divine Name he should raise the bread, and on the Sabbath he should raise both loaves. He must say the benediction very devoutly; and aspirate distinctly the letter He of the word Hamotsi; and allow a short pause between the words lechem and min in order not to slur over the mem. After he had pronounced the benediction he should immediately eat, as it is forbidden to make any interruption between the benediction and the eating, even for the purpose of responding Amen. It is proper to eat bread which is the size of an olive without interruption.

6. It is proper to have salt set on the table before breaking off the bread, and the piece of bread over which the benediction was said should be dipped into the salt, because the table represents the altar and the food symbolizes the offerings, and it is said: "With all thine oblations thou shalt offer salt" (Lev. ii, 13). And because a table is likened to an altar, it is best to be careful not to kill a vermin thereon.

7. Upon distributing the portions of bread among those who are at the table, he should not throw it, as it is forbidden to throw bread, neither should he give it into their hands, but he should place it before them.

8. It is a meritorious deed to break the choicest bread. Therefore if one had before him a part of a loaf and a whole loaf which are of the same kind of grain, and he intends to partake of both in the course of the meal, even if the whole one be smaller than the piece and is not as pure as the piece, he should nevertheless break off of the whole one, because it is the choicer. If they are not made of the same kind of grain, the whole one being of an inferior kind, e. g., when the whole one is of spelt and the piece of wheat, he shall pronounce the benediction over the one made of wheat although it is smaller. If the whole be made of barley, although barley is inferior to wheat, nevertheless since barley is likewise mentioned in the verse and since the loaf is a whole one, the God-fearing should respect the one which is of barley and whole. How should he act? He

should lay the piece underneath the whole one, and break off from both together. If both are whole ones or both are pieces and both are of the same kind of grain, he should say the benediction over the purer; and if both are alike in purity, he should say the benediction over the larger piece.

9. If one have before him bread baked by an Israelite and bread baked by a non-Jew, and he does not abstain from eating the bread baked by a non-Jew, if both of them are whole or if both of them are pieces, and are also of the same size and of the same kind of grain, he should say the benediction over the bread of the Israelite. If the bread of the Israelite is not as pure as that of the non-Jew, he may say the benediction over whichever he prefers. If the master of the house abstains from eating the bread of a non-Jew, but this time it was brought in for the sake of a guest, it should be removed from the table until the benediction over the bread has been said.

10. The whole law regarding preferences of bread applies only to a case where it is the man's intention to partake of the two kinds of bread in the course of the meal, but if it be his intention to partake only of one kind of bread, he should break off of the one he intends to eat, and the preference is entirely disregarded.

CHAPTER XLII.

Laws Concerning a Repast.

1. If one possess cattle or poultry and it devolves upon him to feed them, he is forbidden from partaking of any food until he has provided them with food; for it is written: "And I will give grass in thy fields for thy cattle, that thou mayest eat and be full" (Deut. xi, 15). Thus has the Torah given precedence in feeding the beast to the man. However, as regards drinking, the man should take precedence, for it is written: "Drink, and I will give thy camels drink also" (Gen. xxiv, 46); and it is also written: "So shalt thou give the congregation and their cattle drink" (Num. xx, 8).

2. One should not eat or drink voraciously; one should neither eat nor drink whilst standing, and his table should be clean and nicely covered, even if he has but common fare. One should not grasp a portion as large as the size of an egg and eat thereof, nor should he seize the food with one hand and tear off with the other. One should not drink a glass of wine at one draught, for one who does so is a bibber. To drink one's wine in two draughts is of polite usage, but to drink it in three draughts is haughtiness. If, however, the glass be extra large, one may finish it in several draughts; if it be a small glass, one may finish it in one draught.

3. One should not bite a morsel of bread and place it on the table, neither should he give it to his neighbor, nor should he put it in the dish, as it may be repulsive to his neighbor. One should not drink a part of a

cup and give the residue to his neighbor to drink, for utmost care should be taken not to drink of the residue of a cup that somebody else has drunk, and the one to whom it was tendered on account of bashfulness may drink it against his will.

4. A man should not be hot tempered at his meal, for the guests and the members of his household will be ashamed to eat, thinking that he rages and is angry because they are eating.

5. Conversation should not be indulged in while partaking of a meal, not even to discourse upon matters relating to the Torah, owing to the danger of choking arising from the simultaneous use of his wind pipe and the gullet. It is even forbidden to say "Good health" to the one who had sneezed. But when not engaged in eating, one is obligated to discourse at the table matters relating to the Torah; and one should be very careful about this. It is good usage after having eaten the morsel over which the benediction had been said to say: "A psalm of David, the Lord is my shepherd, I shall not want" (Ps. xxiii), which is a psalm of thanksgiving as well as a prayer for one's sustenance. At the conclusion of the meal, it is the cutsom to say on week-days: "By the rivers of Babylon" etc. (Ps. cxxxvii); and on Sabbaths and Festivals and upon such days when the supplication prayers are not said, it is customary to say: "A song of degrees, when the Lord turned again the captivity of Zion" etc. (Ps. cxxvi). And when studying out of a book upon the table, one must be very careful, as books usually have little worms, and he might, God forbid, thereby violate a precept (forbidding worms in food).

6. When two persons eat at one table, even if each one eats out of his own plate, or if they partake of fruit and each one have his own portion before him, it is meet for the elder of the two to commence eating first, and the one who puts forth his hand to eat before his superior is a glutton.

7. If two ate out of one bowl, and one had interrupted his eating in order to drink, or to perform some other trivial thing, it is polite usage for the other to wait until his companion resumes eating; but if they be three, the other two need not interrupt for the sake of the one.

8. One may make any use of bread, providing, however, that it does not become loathsome thereby, and any act that would tend to make it loathsome is prohibited. Therefore one should not use it to support with it a plate that is filled with such food which if spilled on the bread the latter would become loathsome thereby. If one eats anything by means of a slice of bread which he uses in the place of a spoon, he should be careful to eat some of the bread with every mouthful of the other food, and what is afterward left of the bread should also be eaten by him.

9. It is forbidden to throw bread even in a place where it will not become loathsome thereby, for the very act of throwing it is degrading to the bread. Other kinds of food, however, should not be thrown only when they become loathsome thereby, but if they do not become loathsome thereby, such as nuts and the like, it is permissible to throw them. One should not sit upon a bag containing fruit, because they would become

loathsome thereby. One should not wash his hands with wine or any other beverage as it tends to degrade them. When one sees food on the ground he should pick it up. Food suitable for man should not be fed to beasts, as the food would become degraded thereby.

10. If one is compelled to make use of bread or any other kind of food as a medicament, he is permitted to do it even if it tends to make it loathsome.

11. One should be careful not to throw crumbs about for it causes poverty, but one should instead gather them together and feed them to the fowl.

12. When drinking water one should not drink it in the presence of many, but should avert his face; but when drinking other beverages one need not do so.

13. One should neither stare at the face of a person who is eating or drinking nor at the portion set before him, so that he put him not to shame.

14. It is the duty of the one to whom is served articles of food or drink possessing an appetizing odor that creates a craving therefor, to immediately give somewhat thereof to the waiter, as it is injurious to the person who sees food for which he longs if he cannot eat thereof.

15. One should not give food to any person unless he is certain that he would wash his hands and say the appropriate benediction.

16. A woman whose husband is not present should drink no wine; and if she be in a different place, not in her own house, she may drink no wine even if her husband be present. This law applies to other intoxicating beverages as well. If, however, she is accustomed to drink wine in the presence of her husband, she may drink a little in her husband's absence.

17. Guests are forbidden to give to the son or daughter of their host of anything that was set before them. For the host may have no more than what has been set before them, and he will be put to shame if they would not have enough for themselves. However, if the table were richly supplied, it is permissible for them to do so.

18. One who enters a house should not say "Give me to eat," but he should wait until he is invited to eat. It is forbidden to partake of a repast which does not suffice for the host, for this would be akin to robbery, although the host invites him to dine with him. This constitutes a great crime, and is one of the things for which it is difficult to obtain forgiveness.

19. One must not leave his place at the table before he had said the Grace after the meal. One should even take care not to go into another room in the midst of his meal to finish it there; or with the intention of returning to his original place and to finish it there, or to cross the threshold of his door even if he subsequently returns to his original place to resume his meal. Nevertheless if one did transgress by leaving his place, whether he finishes his meal in his present place, or he returns to the original place to finish it there, he is not required to repeat the benediction over the bread again. For, since he established his repast by means of partaking of bread, although he thereafter changed his place, it is nevertheless considered as one meal; he should only be careful to eat at least bread of the size of an egg in the place he desires to say the Grace after the meal. This law does not hold good in matters involving other things.

20. If several people eat in a company, and some of them went out (of the house) with the intention of returning, as long as there remained only one in the original place, their gathering together did not cease since they all return to the original place, and it is not considered an interruption.

21. If at the time of saying the benediction over the bread one had the intention of going thereafter into another room to finish his meal there and also to say there the Grace after meals, it is customary to permit it, but care should be taken to eat bread there the size of an egg. This, however, may be done only in case of emergency, e. g., at a religious feast.

22. If one says his prayers in the midst of the repast, when he resumes eating he need not say the benediction over the bread again. If one takes a nap in the midst of the repast although it is prolonged for sometime, it likewise does not constitute an interruption. If he interrupted with other matters which he is at liberty to attend to, e. g., to attend to the call of nature, or the like, it likewise does not constitute an interruption. In all these cases, however, he must wash his hands anew, since there was a diversion of mind, unless he took care of his hands (not to become unclean), but he need not say the benediction required to be pronounced upon washing the hands, because on account of a diversion the benediction of washing the hands must not be repeated.

23. If one had finished his meal and he resolved to say Grace after meals, and then he changed his mind and desired to resume eating or drinking, there are divergent opinions as to the laws concerning the benedictions applying thereto. Therefore such an action should be avoided, and immediately he has resolved to say the Grace after meals, he should do so.

CHAPTER XLIII.

Benedictions before Special Courses during the Meal.

1. Whatever one partakes in the course of a meal of the food people are accustomed to eat in the course of the meal to satisfy their hunger, such as meat, fish, all kinds of relishes, crushed grain soup, all kinds of pancakes and the like, even things that are eaten without bread, all these require no benediction to be said either before or after partaking

thereof. For since one partakes of such food to satisfy his hunger they form part of the meal, and are consequently connected with the bread which forms the staple article for human sustenance, and are therefore exempt from separate benedictions, through the benediction "who bringeth forth" said over the bread, also through the Grace said after meals. Even if the edibles were brought in in the course of the meal from other houses, he need not say the benediction over them, it being assumed that one is prepared to eat of whatever will be served to him.

2. One need not say a benediction over any beverage (drunk in the course of a meal), as drinking is also included in the meal, for it is not customary to eat without drinking. Wine, however, forms an exception, owing to its importance (inasmuch as there are many occasions when one must say a benediction over wine, even if he have no need to drink it, e. g., at *Kiddush* and *Habdallah* and the like); one must therefore say a benediction over it when he drinks thereof in the course of the meal. If one said the benediction over wine before washing the hands, and it was his intention to drink some wine in the course of the meal, or if he was accustomed to drink wine in the course of the meal, he need not say the benediction again, for it became exempted by the benediction he said over it before the meal. As it is not the prevalent custom in our country to drink always brandy in the course of the meal, it is doubtful whether it should be included in the meal or not. Therefore if one intends to drink brandy in the course of the meal, he should drink some of it before washing the hands, i. e., less than the size of an olive, and say the benediction over it and have it in mind to exempt thereby also what he will drink during the course of the meal. If he failed to do that, he should first say a benediction over some sugar, and through this exempt the brandy. Some are wont to dip some bread therein, but others are wavering about it.

3. If one desire in the course of the meal to partake of fruits without bread, since they are not an essential part of the meal, therefore even if they were on the table before he had said the benediction "Who bringeth forth" they are, nevertheless, not exempt from their particular benediction through the benediction "who bringeth forth," and one must say over them the benediction before eating same, but need not say the benediction which follows them for they are exempted through the Grace after meals. If he have no desire to eat the fruit without bread, he need not say a separate benediction, as the fruit then becomes an adjunct to the bread. If one desire to eat some thereof with bread and some without bread, he should take care to partake of some fruit without bread and say its benediction, and then he can eat some with bread. Should he first eat some with bread and thereafter some without bread, it is doubtful whether or not he need say the benediction. Some are accustomed to eat between courses some kind of food for the purpose of whetting the appetite such as salted olives, salted lemons, radishes and the like. These are considered as part of the meal, as through these he will eat more; therefore he need not say a separate benediction over them, because the one said over the bread exempts them.

4. If the principal part of his meal be fruit eaten with bread, since they are the principal part of his meal they are exempted through the benediction "who bringeth forth," even if they were not then on the table. Only it is necessary in such event that he first partake of the fruit with bread, and thereafter he need not say a special benediction when he eats it without bread.

5. If one eat fruit cooked to form a part of the meal, as it is customary to cook a dessert, whether it be cooked with or without meat, he should eat first a part thereof with bread and at the end a part thereof with bread, then he can eat it during the meal without bread and need not say the benediction over it.

6. If one eat bake-meats, such as cakes, spunge cakes, almond cakes and the like, if he eat them while hungry to satisfy his hunger, he is not required to say a benediction; but if he eat them to gratify his pleasure it is doubtful whether or not he need say the benediction. Therefore it is proper that at the time when he says the benediction over the bread he should have it in mind to exempt thereby whatever he will eat of these sorts of food.

7. If after finishing the meal before saying Grace one drink coffee to help digesting the food he ate, he is required to say the first benediction over it. For whatever serves to aid digestion is not considered an essential element of the meal. Nevertheless it is best to say the benediction over a piece of sugar "All things exist," in order to exempt the coffee therewith.

CHAPTER XLIV.

Laws Concerning the Washing of the Hands at the Conclusion of the Meal, and the Grace after Meals.

1. Many are lenient with regard to washing the hands after meals, but for the God-fearing it is proper to be careful in observing it. One need wash only the first two joints of the fingers, and he should hold his hands downward before drying them. He who will say the Grace takes precedence in washing his hands first.

2. One should not wash his hands upon the ground where people pass, because an evil spirit rests upon this water, but should wash into a vessel or underneath the table. He should dry his hands before saying Grace and should make no interruption between the washing and the saying of the Grace.

3. The table cloth and the bread must not be removed until Grace after meals has been said, so that bread lie on the table while saying Grace to indicate the abundance given by the Lord, blessed be His name, in that He gives enough to eat and to have something left over; as Elisha said to his servant: "Because thus sayeth the Lord, One should eat and leave over." Another reason is because the blessing of God comes only on some

existing thing and not on an empty space, as Elisha said to the wife of 'Obadiah: "What hast thou in the house?"

4. It is customary to remove the knives from the table before Grace after meals is said, or else to cover them. For the table is compared to the altar, and concerning the altar it is written: "Thou shalt not lift up any iron upon them" (Deut. xxvii, 5). For the iron shortens the life of man while the altar prolongs his days, and it is not proper that the one that shortens life should be raised on the one that lengthens it. The table also prolongs the days of man and atones for his sins by inviting guests at his table, for the power of giving food to the wayfarer is great in that it causes the Divine Presence to be present. The custom prevails in many localities not to cover the knives on the Sabbath or on Festivals; for, the reason they are covered on week days is because they represent the might of Esau, but on the Sabbath and Festivals there is no Satan and no evil occurrence. And the custom of Israel is law.

5. Even if one had eaten a piece of bread no larger than the size of an olive, he is obliged to say Grace thereafter.

6. The Grace after meals should be said neither standing nor walking, but only while sitting. If one had walked to and fro in his house when eating, or if he had stood or had been inclined, when he has to say Grace after meals he should sit down in order that he may say it with greater devotion. He should not recline on his seat as this is expressive of pride, but he should sit erect, put on his coat and place his hat upon his head in order that the fear of heaven be upon him, and his attention be concentrated upon saying the Grace with reverence and awe. One is not permitted to do anything else while saying Grace.

7. It is customary to respond Amen after the *Horachmon* (the all-merciful) contained in the Grace, for it is stated in the Midrash that when one hears somebody pray for a certain thing or to bless an Israelite, although the name of God was not mentioned, he is bound to respond Amen thereto.

8. If one violates the law and neglects to say the Grace up to the time the food became digested, i. e., when he begins to feel hungry, he can no longer make amends and say Grace. Some are of the opinion that the time for digestion is one hour and one fifth. Nevertheless at big feasts occasionally people tarry longer than this prescribed limit of time between the eating and the saying of Grace. The reason therefor being that also in the interim they are engaged in drinking and eating desserts. Nevertheless it is best not to wait too long.

9. If one violates the law and leaves his place before saying Grace, then if at the place he is now there is found a piece of bread, he shall partake thereof without saying the benediction *Hamotsie*, and thereafter say Grace. If there be no bread found in such place, he must return to the

original place in order to say Grace. But if he be so far away from the place that there is apprehension that before he returns the food will be digested, he may say Grace in the place he is then found.

10. On the Sabbath upon which either New Moon, a Festival or an Intermediate day occurs, "Be pleased, O Lord our God" should be said before "May our remembrance rise," because the Sabbath is more constant and more sanctified than any of these.

11. If one is doubtful whether or not he said Grace, then if he be still satiated he must say Grace again. If one fell asleep in the midst of Grace and upon awakening he does not know where he left off, he must likewise start from the beginning again. If a woman be in doubt whether or not she had said Grace, she need not say Grace again.

12. If one erred on Sabbath and omitted "Be pleased, O Lord," or if one did not say "May our remembrance rise" on a Festival, then if he became aware of the omission before he had pronounced the Divine Name in the benediction "Blessed art Thou, O Lord, who in Thy compassion rebuildest Jerusalem," he should say "Be pleased" or "May our remembrance,' and thereafter say "And rebuild Jerusalem". But if he did not become aware of the omission until after he had pronounced the Divine Name, he should conclude the benediction "Who in Thy compassion rebuildest Jerusalem, Amen," and then if it be Sabbath he should say "Blessed art Thou O Lord our God, king of the universe, who gave in love Sabbaths for rest to His people Israel, for a sign and for a covenant, blessed art Thou, O Lord, who hallowest the Sabbath." And if it be a Festival he should say there, "Blessed art Thou, O Lord, king of the universe, who gave Festivals to His people Israel for gladness and for joy, this day of (naming the Holyday). Blessed art Thou, O Lord, our God, who hallowest Israel and the seasons." If the Festival fell upon a Sabbath, and he forgot to say "Be pleased" and "May remembrance," he should say "Blessed art Thou, O Lord our God, king of the Universe, who gave Sabbaths for rest to His people Israel for a sign and for a covenant, and Festivals for gladness and for joy, this day of (naming the Festival), blessed art Thou, O Lord, who hallowest the Sabbath, and Israel and the seasons." If he had said "Be Pleased" but had omitted "May our remembrance" he should say that which is to be said on a Festival alone. If he had said "May our remembrance" but had omitted "Be pleased," he should say that which is to be said on Sabbath alone.

13. If he did not become aware of the above mentioned omission until after he had begun the benediction following, which is "Blessed art Thou, O Lord our God, King of the universe, O God our Father" etc., even if he had said the only word "Blessed" he can no longer remedy the omission by saying the benediction "Who gave" etc. Therefore if this occur during the first two meals he must repeat Grace from the beginning. But if he only had said "Blessed art Thou, O Lord" and became aware of it, he shall conclude it with "Teach me Thy statutes," so that the benediction may not be pronounced in vain, and then he should repeat Grace from the beginning. But if this occur in the third meal, where even on the

Sabbath one is not compelled to eat bread, and much less so on a Festival, and the saying of Grace is not obligatory because of that particular day, therefore he need not repeat Grace from the beginning, but shall conclude it. Nevertheless if one had become aware of the omission in a place where it is still possible for him to remedy it by saying the benediction "Who gave" etc. it is his duty to do so even if it happen at no matter how many meals he ate.

14. If one had erred on the New Moon by not saying "May our remembrance" he should say "Blessed art Thou, O Lord our God, king of the universe, who gave New Moons to his people Israel for a memorial," but he must not conclude it. (And in this connection it is immaterial whether it be day or night). And during the Intermediate days of the Festivals if he had omitted "May our remembrance" etc., he should say "Blessed art Thou, O Lord our God, king of the universe who gave appointed times to His people Israel for gladness and for joy this day of (naming the Holyday), blessed art Thou, O Lord, who hallowest Israel and the seasons." On the New Year he should say "Blessed art Thou, O Lord our God, king of the universe, who gave Festivals to His people Israel this day of memorial; blessed art Thou, O Lord, who hallowest Israel and the day of memorial." If he did not become aware of the omission until after he had begun the benediction following, he need not repeat from the beginning, because on the New Year, New Moon and Intermediate days of the Festivals the partaking of bread is not obligatory.

15. If New Moon occur on the Sabbath, and one forgot to say "Be pleased" and also "May our remembrance" etc., and then he became aware of the omission and said "Blessed art Thou, O Lord our God, who gave" etc., he should mention the New Moon both in the opening and the concluding benedictions, saying thus: "Blessed . . . who gave Sabbaths for rest to His people Israel in love for a sign of a covenant, and New Moons as a memorial. Blessed art Thou, O Lord our God, who hallowest the Sabbath, Israel and the New Moons." For although on a New Moon only that benediction is not to be concluded, in the case mentioned, however, since he concludes the benediction for the sake of the Sabbath, he must also mention the New Moon. If he had said "Be pleased" but omitted "May our remembrance", and did not become aware of the omission until after he had begun the benediction which follows it, he need not repeat Grace from the beginning, for that belonging to the Sabbath he already said, and for the sake of the New Moon alone he need not repeat. But if he had said "May our remembrance" but had omitted "Be pleased," as result of which he must repeat Grace from the beginning, in such event he must also say "May our remembrance." The same law applies to the Intermediate days of the Festivals and the New Year.

16. If one had omitted "For the miracles" either on Hanukah or on Purim, and did not become aware of the omission until after he had pronounced the Divine Name in the concluding benediction, that is, he had already said "Blessed art Thou, O Lord," he need not repeat the benediction. He may, however, insert it while saying "May the All-merciful" thus: "May the All-merciful perform for us miracles and wonders as He wrought for our ancestors in days of old, at this season," and then add: "In the days of Mattathias" or "In the days of Mordecai."

17. One who had commenced a meal on a Sabbath, and continued it until it grew dark, should say "Be pleased" etc. inasmuch as he had not said the Evening Service. Likewise on a Festival, New Moon, Hanukah

or Purim, if he had begun his meal while it was yet day, he is required to say the special form of grace for that day even if it were night when he said Grace after meals. If, however, one had begun his meal before the New Moon set in, and continued it also during the night when he ate bread of the size of an olive, he is required to say "May our remembrance." This rule applies also to a case where one is having his meals before Hanukah and Purim had set in. If one had begun his meal on Sabbath and continued it during the night when he also partook of bread of the size of an olive, then if on the following day is New Moon, he should say "Be pleased" and May our remembrance." The same rule applies to Hanukah and Purim. There are opinions which dissent to the foregoing rule of law, because they consider it as a rule which contradicts itself. It is therefore preferable to avoid continuing the meals at night on such occasions.

18. If a non-Jew be present in the house whilst the Grace after meals is being said, one should add "Us the sons of the covenant, all of us together."

CHAPTER XLV.

Laws Concerning the Saying of Grace after Meals in the Company of three or more Persons.

1. If three men ate together it is their duty to unite in saying the Grace after meals, and they must say it over a glass of liquor. If possible a glass of wine should be used; if it be impossible then beer, mead or brandy may be used, when such liquid is the common beverage of the locality; i. e., where vine culture does not obtain and one has to walk a whole day to obtain it, consequently wine is expensive and these beverages are substituted in the place of wine. Some authorities are of the opinion that even a single person is required to say Grace over a glass. Stringent people are accustomed, when saying Grace alone, not to hold the glass in their hands, but place it on the table in front of them.

2. The glass is filled first and thereafter the hands are washed.

3. Wine that has been partly consumed, whatever remains thereof in the vessel is rendered defective and unfit for use at the Grace after meals until it has been rendered fit for use; i. e., by adding a little wine or water, neither of which has been rendered unfit. Since it is essential that the glass be filled for the special purpose of using it in connection with a benediction, therefore if the contents of the glass be unfit and he remedies it, he must first pour its contents into the decanter and then into the glass for the special purpose mentioned.

4. The glass used for benediction must be whole and even if only its base is broken it is unfit. Even the least defect in the rim of the vessel, or if it was cracked, it is unfit. It must also be rinsed inside and washed outside, or it may be wiped well that it be clean. The liquid should be poured from the decanter into the glass for the purpose of saying the bene-

diction, and it must be full. The one who is to say the benediction should take it with both hands (to show thereby his affection for the glass in that he longs to accept it with all his might) and as it is written: "Lift up your hands towards the sanctuary, and bless the Lord" (Ps. cxxxiv, 2). Thereafter he should remove his left hand and hold it only with his right without the help of the left (so that it should not appear as being burdensome to him). He should look at it in order not to divert his attention therefrom, and should hold it one hand-breadth above the table, as it is written: "I will lift the cup of salvation and call upon the name of the Lord." (Ps. cxvi, 13). A left handed person should keep it in his right which is everybody else's left. It is proper to remove the empty vessels from the table.

5. If those who sit at table are all of equal rank, and if there be a priest in their midst, it is proper to honor him with the privilege of saying Grace after meals, as it is written: "Thou shalt sanctify him." However, if there be a worthy and eminent man in their midst he should say Grace. It is customary to let a mourner say Grace, but only when they are all of equal rank. It is right to confer the honor of saying Grace upon one who is kind and hates covetousness, and who gives charity with his own money, for it is written "A man of a benevolent eye will indeed be blessed," (Prov. xxii, 9). Do not read it "y'borach" (shall be blessed), but "y'barech" (shall bless).

6. The one who recites the Grace after meals should begin by saying "Let us say Grace," for every sacred matter requires preparation. Or he may say, as is customary, in the German language: "Rabothai, mir willen benshen," and the rest of the company respond, "Blessed be the name of the Lord from this time forth and forever." Then he continues "With the sanction of etc. we will bless Him" etc.; and the others reply "Blessed be He of whose bounty" etc., and he repeats this sentence. In some localities it is customary that those present respond Amen after the one who says Grace concludes: "And through whose goodness we live;" while at other places it is not customary to say Amen. There are also various customs prevailing with reference to saying. "Blessed be He and blessed be His name." Some make it a custom that the one who says Grace should say it even when only three persons are saying Grace; while others are of the opinion that it should be said only when ten say Grace, because then the Divine Name is mentioned; and it is proper to do so (according to the latter opinion). Those present however, should not say it, and needless to say that when one says Grace by himself.

7. The one reciting Grace should say it aloud, whilst the others should say quietly every word with him, and at the conclusion of each benediction they should hasten to finish the benediction first in order that they may respond Amen.

8. Upon conclusion of the Grace after meals, the one who reads it should pronounce the benediction over the glass over which he had said Grace, and drink a quantity equal to the capacity of one and a half eggs, so that he may be enabled to say the last benediction. If those at the table have their glasses before them, but the contents has become defective, the one who said Grace should, after having pronounced the benediction

"Who createst the fruit of the vine," and previous to drinking thereof, pour a little of his wine into their glasses, in order that they may also pronounce a benediction over glasses which are not defective. If their glasses be empty, he should likewise pour therein a little of his wine, and they should not taste thereof before the reciter had tasted his. But if they have each a glass which is not deficient, he is not required to give them aught of his wine, and they may partake of theirs before he partakes of his. Thus it is proper for each guest to have, if possible a full glass.

9. If the one who said Grace after meals did not wish to drink, some authorities say he can let one of the guests say the benediction "Who createst the fruit of the vine," and this one should drink the proper quantity and say its Grace. Other authorities say that this procedure is incorrect, and that only the one who had said Grace after meals with others participating can say the benediction over the glass of wine; and the latter view prevails.

10. It is proper for two persons who had eaten together to request a third person to join them so as to participate in saying Grace. Even if that third person had come after two had already finished their repast, yet, if something would have been brought to them as dessert they would have been disposed to eat thereof, it is proper to induce the third person to join them so as to say the Grace. They should do this by giving him bread the size of an olive, which requires Grace thereafter. Some hold that he must be given bread; some say that any kind of corn suffices; others hold that even fruit or vegetables are sufficient; while others are of the opinion that even if he should not eat anything at all, but he had one and a half egg of any kind of beverage, excepting water, he is to respond "Blessed be He of whose bounty we eat." This is the prevailing custom. Although he did not eat, he may yet say that we ate, as drinking is also included in the term "eating." After the one saying Grace had concluded the benediction which terminate with "Who givest food unto all," the newcomer should say the final benediction over what he had eaten or drunk. However, if the third person had arrived after the other two had washed their hands with water he is no longer to be reckoned with them.

11. Three who had partaken of a meal in company, inasmuch as they are obliged to unite for saying of Grace after meals, are not permitted to separate. The same rule applies when four or five have eaten together, not one of them is permitted to say the Grace privately, for it is obligatory upon all of them to unite to say Grace. If the company consist of six or more persons up to ten, they may separate in such a manner that three, the requisite number for participating in the recital of Grace, remain for each group.

12. If there be ten (adults) present they must add in the Grace the Divine Name, i. e., the one saying Grace says: "We will bless our God, He of whose bounty we have partaken" etc., and he must not say "We will bless to our God." The others respond: "Blessed be our God He of whose bounty" etc. Since they must specially mention the Divine Name they must not separate into groups unless they be twenty or more, when they may divide into two groups (of at least ten persons in each), and then each group can unite for the saying of Grace with the Divine Name.

13. If a company of ten unite for Grace and the one who says it as well as the others make a mistake by not mentioning the Divine Name, they cannot unite again if once Grace has been said, since they have fulfilled their duty as regards being united for saying Grace, and their error is only their failure to mention the Divine Name, and this is a mistake that cannot be rectified. But if the others (who were listeners) had not yet responded after the one who says Grace, he should recommence and mention the Divine Name, since the duty of being united for saying Grace has not been fulfilled.

14. If seven had eaten bread and three had eaten fruit or had drunk sufficient liquor, which requires a Grace thereafter, they may unite to say Grace and mention the Divine Name. In this case all authorities agree that fruit or liquor is sufficient. It is a special duty to seek after ten to say Grace and mention the Divine Name. But if only six had eaten bread they cannot unite to mention the Divine Name, for we require in this matter a majority that is distinguishable.

15. All who had eaten together, even if they did not eat the entire meal together, but had sat down to eat and had said the benediction "Who bringeth forth," and each one had subsequently eaten from his own loaf, inasmuch as they had united as one body, whether in a body of three or a body of ten, they are not permitted to separate. Even if one of them desire to finish his meal before the rest of the company, they are still not allowed to separate. But if they did not unite as one body at the beginning of the meal, but after two people had eaten already, even if it were no more than the size of an olive that they had eaten, and then the third one arrived and joined them, then if he finished his meal with them they are obliged to unite to say Grace; but if he desired to finish his meal before them, in view of the fact that he did not begin the meal with them, nor did he finish it with them, he is permitted to separate and say Grace privately. Nevertheless, it is proper to wait and unite to say Grace. If one be forced, or fear the possibility of loss, even if he had originally joined them, he is permitted to finish his meal before them and to say Grace privately. However, if it be not an urgent case it is proper to follow the stricter opinion.

16. If three had eaten in company and one of them had forgotten about uniting to say Grace, and had said the Grace privately, his companions may yet unite with him even after he had concluded his Grace, and he may also respond "We will bless Him of whose bounty we have eaten," etc. However, if he had been united with two others to say Grace, he cannot be counted with the former two. If two had said the Grace, even privately, they cannot unite (with others) to say Grace.

17. If three had eaten in company and two had finished their meal and wish to say Grace, whilst the third one had not yet finished his meal, and does not desire to say Grace the latter should interrupt his meal in order that they may unite to say Grace. He may respond with them, and thus discharge the duty of uniting to say Grace, and he should wait until the one saying Grace had concluded "Who givest food unto all." He can then resume his meal and after he had concluded the repast he should

say the Grace privately. But two need not interrupt their meal for the sake of one, unless they wish to do him honor more than is actually demanded by the law. If ten eat together, four are obliged to interrupt their meal for the sake of six, but they need only wait until "Blessed be our God" before resuming their meal. After they have concluded their repast they should unite to say Grace together, but they should not mention the Divine Name in the introduction.

18. At large banquets where many guests are present, it is right to choose someone to say Grace with a powerful voice, so that all present can hear him, at least up to "Who gives food unto all." If this be impossible they should form groups of ten to say Grace.

19. If two separate groups ate in one house or if they ate in two separate houses but some of them could see each other, they count as one company and can unite together to say Grace. However, if they cannot see each other, each group must unite separately. Nevertheless, if one person wait upon both groups he is the means of causing them to count as one company, provided they had originally entered with the intention of being counted as one company. In whatever manner they unite, it is essential that they all hear the one saying Grace at least up to "Who gives food unto all."

20. One who hears others saying Grace who had united for this purpose, whereas he had neither eaten nor drunk with them, when he hears the one saying Grace say: "We will bless him" he should respond: "Blessed be He and blessed be His name continually for ever." If a party of ten had united to say Grace and the one leading says "We will bless etc." he should respond "Blessed be our God and blessed be His name continually for ever." This applies only to him who heard the leader say "We will bless, etc." but if he did not come until after the leader had already said "We will bless, etc." and he heard those who responded "We will bless, etc." he should not respond with them, but he should say Amen at the conclusion of their responses.

21. When three people eat together, each one having his own loaf, and one of them had bread baked by a non-Jew, whereas the other two avoid eating such bread, they nevertheless unite to say Grace after meals, and the one who ate the bread of a non-Jewish baker should recite the Grace because he could partake of the bread of the other two people. Likewise if one partook of milk diet and two persons (at the same time) partook of meat food, they unite to say Grace after meals, and the former recites the Grace, because he could partake of the food of the other two. If such person drinks no wine or if fresh beer only be available and he avoids taking this, then it is better for one who has eaten meat to say Grace and use therewith a glass for benediction. If one had eaten hard cheese and two people had partaken of meat some authorities hold that they may not unite while others hold that they may unite for Grace because they could all partake of one loaf of bread. And it is proper to adopt the more lenient rule.

22. If women had partaken of a meal with men who were obliged to unite to say Grace, it also becomes obligatory upon the former to hear the recital of the Grace. It is the custom not to reckon a minor to a quorum for saying Grace until he is thirteen years and one day old, when he may be reckoned with although he was not examined whether he brought forth two hair or not.

23. One who does not read the *sh'ma* morning and evening, or who publicly transgresses the precepts should not be counted in with those who unite to say the Grace. A true proselyte may unite with those who say Grace, and he is also permitted to recite the Grace and to say "Who hast caused our fathers to inherit," for it is written concerning Abraham: "For a father of many nations have I made thee," and it is explained thus: In the past he was the father of Assyria, and thenceforth the father of all nations.

CHAPTER XLVI.

Laws Concerning Forbidden Food.

1. The blood in eggs is forbidden. Occasionally it is prohibited to eat the entire egg on account thereof, therefore one must examine the egg before using it in the preparation of food.

2. The blood of fish is permitted, but if collected into a vessel its use is prohibited for the sake of appearance as people may think that it is blood which is forbidden. If, however, it be evident that it is the blood of a fish, e. g., if it contains scales, then its use is permitted.

3. If one bite off a piece of bread (or anything else) and if blood from his gums should come upon the bread, he must cut off the part where the blood is and throw it away. The blood from the gums may be pressed out on a week-day, if it had not discharged itself (but not on a Sabbath; vide chapter lxxx, 54, infra.)

4. Blood is sometimes found in milk, because the blood comes from the animal's udder together with the milk; when that occurs a scholar must be consulted.

5. Meat and milk may not be eaten or cooked together, nor is it permissible to derive any benefit therefrom. If, therefore, anything became prohibited by meat and milk being mixed together, then a scholar must be consulted as to what should be done therewith, as in certain instances one may derive a benefit therefrom, while in others he may not.

6. Two Jewish acquaintances, even though they be particular towards each other, may not eat at one table if one eats meats and the other milk food, unless they make a certain mark to distinguish between them, e. g., by having a separate cover laid for each, or by placing upon the table between their respective food a certain article that does not properly belong there. They should also be careful not to drink from the same vessel as the food clings thereon.

7. The more so should one be particular not to eat bread of the same loaf with both meat and milk. It is customary also to have separate salt-cellars, one for meat and another for milk food, for it happens that the food is dipped in the salt and part thereof may remain therein.

8. It is customary to mark the knife used for milk food and all other milk and butter utensils in order that they may not be exchanged (for those used for meat.)

9. One who had partaken of meat or even of a dish prepared with meat should not partake of milk food until an interval of six hours had elapsed, and one who had masticated the food for an infant is obliged also to wait that period. If, after having waited the proper period one found meat between his teeth he must remove it, but he need not wait thereafter. Yet he should cleanse his mouth and rinse it, that is to say, he should eat a little bread and cleanse his mouth therewith and rinse his mouth with water or any other liquid.

10. If the dish had neither meat nor meat fat therein, but had been cooked in a pot used for meat, even if that pot were not thoroughly cleansed beforehand, it is permissible to partake of milk food after (partaking of this dish).

11. After cheese has been eaten, one may partake of meat thereafter at the next meal, but he should carefully examine his hands to see that no particle of cheese clings to them; he should also cleanse his teeth and rinse his mouth. If the cheese were stale and hard, that is to say, when it was curdled by rennet and was six months old, or if it had worms, and he desires to eat meat thereafter, he must allow an interval of six hours to elapse.

12. If he had eaten cheese and he desires to eat meat, he must remove from the table the rest of the bread of which he had partaken whilst eating the cheese. Cheese should not be eaten upon a tablecloth whereon one had eaten meat or vice-versa; nor should one cut bread which he intends to eat with cheese with a knife used for meat or vice-versa, even if the knife be clean. However, in an emergency, e. g. when one is on a journey, he is permitted to cut the bread he wishes to eat with cheese with a knife what was used for meat, or vice-versa, if the knife were thoroughly clean.

13. If one cut, with a knife used for meat, onions or some other pungent thing, and put it in food made of milk, or vice-versa, a scholar must be consulted.

14. One who prepares a dish of meat and milk of almonds must put almonds therein on account of its deceptive appearance (and thereby allay any suspicion of having transgressed the law).

15. It is customary that no utensil used for milk should be (ritually) purified by boiling water in order to make it fit for use for meat, or vice-versa.

16. If one had given wine, meat or a piece of fish, all of which had no special mark (by which they might be recognized) into the care of an idolator, and how much more so to an Israelite who is suspected of tampering therewith, either to store it or to forward it the same must have two seals. But for boiled wine or wine vinegar, milk, bread and cheese, one seal suffices.

17. If one forwarded or gave on deposit anything in a sack, it is necessary that its stitches should be inside and it must be tied and sealed.

18. If it happened that one had forwarded through a non-Jew a slaughtered beast or fowl or anything else without a seal, then a scholar must be consulted.

19. Cheese or other articles of food which are in the hands of a non-Jew, although they be sealed or stamped stating that they are ritually fit for food, are nevertheless prohibited as long as we do not know who sealed them.

20. Care should be taken that an Israelite and a non-Jew should not cook or fry together in two pots next to one another, when the pots or the frying pans are uncovered, one pot containing food which is fit, and the other pot containing food which is not fit. Care should be taken that pots be not left in the care of servants, when no Israelite be in the house, or there be no one going in and out.

21. It is forbidden to purchase wine or food, of which the ritual fitness is in doubt, of one who has not an established reputation for complying with the Jewish laws. However, if one became such a person's guest, he may eat with him so long as he is not certain that suspicion arose.

22. Care should be taken not to allow one's culinary utensils to remain in the house of a non-Jew, lest he may make use thereof. Even if one give such a vessel to a non-Jew to be repaired, if there is fear that he might have made use thereof, he must consult a scholar.

23. Sometimes people buy a fowl with its legs tied and they throw it upon the ground, and subsequently it is ritually killed. It is strictly forbidden to partake of it; because a beast or fowl which fell may not be declared as fit for food unless one saw it walk properly (after the fall) at least four cubits. It is proper to be extremely careful in this matter with lambs or calves also.

24. In the summer time slight swellings like warts are to be found upon the intestines of ducks and many become ritually unfit for food thereby. It is therefor proper to examine the intestines at that time and to consult a scholar regarding them.

25. One should not knead dough with milk, for it is to be feared that it may be eaten with meat, and therefore on that account it is forbidden to eat even the bread itself, if entirely prepared in that manner. If, however, it was a small thing, sufficient only for one meal, or if the bread were formed in the manner so that it would be easy for one to discern that it is not to be eaten with meat, it is then permitted to prepare it with milk. The same law is applicable to the use of fat in kneading of dough. One should not bake bread with pancakes or pies in one oven, as it is to be feared that the butter or fat may flow under the bread: and if it does so happen it may not be used by itself, as though it were kneaded with it.

26. If bread had been baked in one oven with roasted meat and the oven had been closed whilst the meat was covered, it is forbidden to eat that bread with milk; it is permitted, however, to eat the bread with milk if the roasted meat were covered or if the oven, which was as large as our modern ovens, were open. Care should, however, be taken not to roast meat in an oven in which bread is being baked, as it may be feared that the grease will flow under the bread. This is to be feared even if the roast is in a frying fan.

27. If grease or milk flow upon the floor of an oven it should be purified by means of glowing heat in accordance with the law, that is to say, glowing coals should be spread on the entire surface so that it is heated white.

28. Castrated cocks may be eaten, because we rely on the presumption that the non-Jewish castrator is an expert and would not by sewing it up cause any defect in the entrails. But if any defect be found, even if it be only a dislocation of the entrails, then they are forbidden to be eaten.

29. In some places it is the custom with non-Jews, who raise geese for the purpose of selling them to Jews, that they stick them under their wings with a needle or the like so that the flesh becomes swollen and they may look fat. Concerning this a scholar should be consulted whether or not they are fit to eat. It happens also that the life of an animal becomes endangered by being overfed and is stuck with an awl beneath its belly as a cure; concerning this a sage should likewise be consulted whether it is fit or not.

30. It is customary in preserving fruit to place the same in a jar which is covered and tied with a bladder skin over the opening. In this way it is placed in a warm oven so that the fruit may be preserved. The bladder skin must be from an animal ritually fit for food and it also needs salting and proper rinsing to make it fit for use.

31. It is forbidden to drink the water of wells and rivers reputed to be infested with worms before the water has been strained; and if one had inadvertently cooked in such unfiltered water, the use (of that food) should be forbidden. It is likewise forbidden to soak meat in such water or to wash therewith articles of food, because the worms cling to the food.

32. The water should be filtered by means of a cloth which should make the passage of even the smallest worm an impossibility.

33. Vinegar, which contains worms, is unfit for use if it had only been filtered. For even the smallest worm in vinegar will pass through any cloth, and the straining makes it even worse. For worms contained in beverages in vessels are not forbidden as long as they are not separated; and because of the straining it is possible that the worms will remain on the strainer and thereafter fall back into the vinegar. But, the best thing is to boil the vinegar and then strain it, for since they are killed by boiling they will not pass through when the vinegar is strained.

34. Worms that grow in fruit whilst attached to the tree are forbidden even if they did not move from place to place (in the fruit). A black spot is sometimes found in fruit as well as in beans and lentils; this is where the worm takes its origin and this must be removed from the fruit, as it is forbidden even as the worm itself.

35. All such fruits, that usually have worms when they are attached to the tree, may be partaken of without examination, provided twelve months had elapsed from the time they were taken off the tree, as no living creature without bones can exist longer than twelve months, and they have therefore become as dust. However, as it may be apprehended that the fruit has become wormy since they were picked, they should be examined and cleansed from all worms and animalcula found upon the surface. Thereafter they should be placed in cold water and thoroughly mixed together, and as the worms and worm eaten fruit will rise to the surface they should be thrown away; the rest should be placed in boiling water, so that if any worm remain it will perish immediately before becoming separated from its place. This could be relied upon only in cases of pods, lentils and the like, and only after twelve months.

36. All fruits requiring examination (because of having worms) should be opened one by one and the stones removed, in order that the examination may be thorough. Great care should be observed therewith when preserving them in honey and sugar also when making jams. One

should not rely upon the examination of a portion of them, even the greater portion, but each fruit should be examined separately.

37. Flour and other cereals are sometimes found to contain large worms; it suffices therefore if they be sifted with a sieve through which the worms cannot pass; but if the flour contain mites sifting is useless. One who possesses wormy wheat should consult a scholar as to the manner in which it should be ground.

38. It is forbidden to sell an article of food containing worms to a non-Jew, if it be of the kind not usually examined to ascertain if it be free from worms, for fear that the latter will, in turn, sell it to an Israelite. But one is permitted to distill brandy therefrom, nor is it apprehended that he will be misled to partake therefrom in that state, providing he does not keep it too long.

39. There are many vegetables that are infested with worms, and some that are infested with mites. There are housewives who say that if they singe them they will be destroyed, but that is of no avail. There are certain kinds of fruit and vegetables infested with worms to such an extent that it is well nigh impossible to examine them; therefore a God-fearing man must not partake of any of them. There are also certain kinds of fruit whose kernels are infested with worms, and it is forbidden to eat them.

40. Nuts are very often infested with mites. The proof of this is, that when the kernel is taken from the shell, and the latter is placed in a slightly warm place, mites that remain in the shell come out. Great care should be taken concerning this.

41. Sometimes one finds that fruits preserved in honey and sugar have mites on the surface at the edge of the vessel containing same. This part must be thoroughly cleansed and some of the fruit should be removed until it is quite clear that no mites are in the rest.

42. If, whilst cutting fruit or a radish with a knife, one had also cut a worm that was therein he should wipe the knife well, and also peel a portion of the fruit or radish at the place where it was cut.

43. Worms are often found in the interior of fish, such as the brain, the liver, the intestines, the mouth or the ears. Especially is this the case with the fish called haddock, which contains long and thin worms. Such places where they are likely to be found must be examined. Thin worms are found in the fat of herring and it requires examination. In some localities the fish is found to be infested with very small insects,

round as a lentil, which are upon its surface near its fins, also upon its fins, in its mouth and behind its ears, they should be examined there and well scraped off.

44. The worms found in cheese, if they be not loathsome, are permitted to be eaten (with the cheese) as long so as they are not separated therefrom.

45. Many warnings are found in the Torah concerning creeping things, many laws are violated because of them, and they defile the body, as it is written: "That ye should be defiled thereby" (Lev. xi, 43). Therefore one must be very careful not to stumble over them.

46. If one had consulted a scholar who had prohibited the use of the thing in question, then he must not consult another scholar unless he notify him that the previous one had prohibited the use of the same.

CHAPTER XLVII.

Laws Concerning Their Wine and the Making of the Vessels Fit for Use.

1. The ordinary wine of a heathen nowadays, or if our wine is touched by a heathen, is, according to the opinion of some, forbidden only to be drunk but not to derive any benefit therefrom. Therefore a Jew is permitted to take their ordinary wine when for the purpose of paying off a debt due him, for it is the same as saving it from their hands. The same applies to other losses, as when one did violate the law and purchased wine from them. But it is forbidden to buy wine from them in the first instance in order to make profit thereby. Others are lenient even as regards this, but it is best to follow the stricter opinion.

2. It is permissible to make a bath out of their ordinary wine for a sick person although he is not in danger of losing his life.

3. Kosher wine that was boiled until its quantity was reduced by effervescence, if it was subsequently touched by a non-Jew, it is even permitted to drink thereof. Wine into which spices were put, as long as it still retains the name wine and was not boiled, becomes forbidden (when it comes in contact with a non-Jew).

4. Victuals that were cooked with wine, the presence of which is not discernable, even if the victuals did not yet begin to cook, if a non-Jew came in contact therewith, it does become unfit for use.

5. Adulterated wine, if there are six parts of water, the wine becomes nullified and does not become forbidden when it comes in contact with a non-Jew. However raisin-wine, that is when water is poured upon the raisins, is considered as true wine.

6. If water is poured upon he kernels (of grapes) or upon lees (of wine), as long as it is thereby improved for drinking, its use shall not be permitted if a non-Jew had come in contact therewith.

7. Wine pressed in a cask, so long as some wine has been extracted from them, even if only a small quantity, or if one had taken wine therefrom in a vessel, the entire contents of the cask is called wine, and if touched by a non-Jew its use is forbidden, even if it is only the kernels or the husks that he touched. It is therefore forbidden to make use of the casks of pressed grapes that stand in the house of a non-Jew, for perchance some wine had been extracted therefrom. It is forbidden to have grapes pressed by a non-Jew into a cask even if it is provided with a stopper.

8. One should also guard against the removal of the kernels and husks from the cask by a non-Jew, even after the first and second extraction of wine therefrom, as they may be yet moist with wine.

9. If a non-Jew poured water into wine, if he intended to mix it, it is forbidden to drink therefrom. But if he did not intend to mix it, or even if it is doubtful if he intended to do so, its use is permitted.

10. If vinegar was made from *kosher* wine, if it is so strong that it seethes when poured upon the ground, it no longer becomes forbidden when it comes in contact with a non-Jew. But if it was made out of their ordinary wine it always remains in its forbidden state.

11. Brandy that is made out of their ordinary wine, or of kernels and husks or of lees, is likewise like the wine itself. But when made of *kosher* wine, then after it has become brandy it is no longer rendered unfit when it comes in contact with a non-Jew.

12. It has become a general custom to permit Tartaric acid since it is not tasteful.

13. If a non-Jew touches the wine by means of something else, or came indirectly in contact therewith, a scholar should be consulted.

14. One who sends wine through a non-Jew should take the precaution of doubly sealing the mouth or the faucet of the vessel.

15. Regarding the wine that an Israelite makes in a proper manner for a non-Jew, for the purpose of selling it to Jewish consumers, there are many diverse laws. In certain instances even double seals and a key are of no avail. It is necessary to consult an ordained Rabbi as to the proper manner of procedure in such a case. The strict should avoid the use of such wine.

16. Regarding the vessels that contained their ordinary wine, if they are vessels that ordinarily hold wine but temporarily, nor did they contain the wine for twenty-four hours, whether they be made of leather skin, wood, glass, stone or metal, as long as they are not lined with pitch, they should be thoroughly washed with water three times and it is then permissible to use them. If they are lined with pitch, or if they are earth vessels, they are governed by different laws.

17. Vessels that were to hold wine for a long time, that is, they were designed to hold wine for at least three days, although the vessel belongs to an Israelite, and the non-Jews kept in them wine only for a short time, they nevertheless require to be made fit for use by emptying; thus, they should be filled with water to the very brim and be thus allowed to stand for twenty-four hours; after that they should be emptied of that water and refilled with fresh water, and be again allowed to stand for twenty-four hours; this procedure should be repeated a third time. And it is not essential that the three days should be successive. If the water remained in the vessels for many days without being spilled out, it is yet counted as but one time. Some authorities are of the opinion that if the wine was in the vessel for twenty-four hours it does not become fit by means of emptying, because it is considered as if it were boiled in there and it requires cleaning by boiling. And in cases where there is no emergency it is best to follow the stricter opinion.

18. Glass vessels, since they are smooth and hard, although they are made to hold wine for a long time, are made fit by rinsing them three times.

19. A vessel that contained wine of an Israelite and it was emptied of its wine, if a non-Jew came in contact therewith when it was still moist sufficient to moisten other things therewith, washing it three times suffice to make it fit for use, although the vessels were made to hold the wine therein for a long time.

20. Washing the vessels as well as filling it with water and emptying it again is only available when only cold wine was kept therein, but if it was used to hold hot wine, it requires cleaning by boiling water, the same as if it contained other forbidden matter.

21. Vessels of the wine press, although wine is not kept therein for a long time, but since wine is very often placed in there, are to be dealt with strictly. A scholar should be consulted as to how to make them fit for use.

22. All vessels that were not used for a period of twelve months, are permitted to be used, as it is assumed that there is no moisture of wine in them any more. Even if one had put water therein during the twelve months, it does not matter.

CHAPTER XLVIII.

Laws Concerning the Benediction Over the Five Species of Grain.

1. If one should eat bread of any of the five species of grain made for the purpose of serving as sweetmeats, but less than the fixed quantity which is reckoned as the meal (the size of an olive), he need neither wash his hands nor say the benediction over bread. But he should only say "Who created various kinds of food", and thereafter, he should say "For the sustenance" etc. If, however, he should eat thereof the fixed quantity reckoned as a meal, then it is governed by the same rules of law as apply to proper bread, and he must wash his hands and say, "Who bringest forth" and thereafter say Grace after meals.

2. What is the meaning of "*Path habaah b'ḳhisnin?*" Some authorities say that it is bread which is prepared like pies filled with fruit, meat, cheese and the like, or when it is prepared like pancakes. Some authorities explain the expression as referring to bread kneaded with oil, fat, honey, milk, eggs or cheese, or with fruit juice, even if a little water were added. We adopt both interpretations to facilitate the practice of the law and include both explanations in the definition.

3. The quantity of food constituting a meal is not to be measured by one's own appetite, but by what the majority of the people usually consume for the mid-day or for supper to satisfy their appetite. If one had eaten this quantity and although he be not satisfied, nevertheless it is governed by the same law as applies to bread. If one eat such bread with a relish, we estimate the amount according to that which would satisfy other people who would eat the same with a relish. If he were to eat a small quantity without a relish and he felt satisfied whereas other people would not be satisfied therewith unless they would eat with a relish, then the law which applies to bread holds good in this case also.

4. If it were originally one's intention to eat only a little and he said, "Who createst various kinds of food," and then he changed his mind and resolved to eat the quantity constituting a meal, if there be not a sufficient quantity for a meal left of the food he desires to eat, unless he counts in that which he had eaten before, he should eat and then say the Grace after the meal. If the quantity thus left still contains enough for a meal, he should wash his hands and say the benediction "Who bringest forth" over that which he desires to eat, but it is not necessary for him to say "For the sustenance" over that which he had already eaten, as the Grace, which he will subsequently say, exempts it from the benediction.

5. Dough that was kneaded with water, and loosely mingled together, if it were baked in an oven or even in a stew-pot, without any liquor, even if the stew-pot was besmeared with oil, in order that the dough should not burn, this is not considered as a liquor, and is governed by the law that applies to proper bread. Even if one eat but a piece the size of an olive thereof it requires the washing of the hands, the saying of "Who bringest forth", and also Grace after meals. However, if it were fried in any liquid, it is not counted as bread even if he ate thereof till he was satisfied. Wafers which are very thin and which are baked in a mould in a gridiron are likewise exempt from the law applying to bread. Even if one had eaten thereof to satisfy his appetite, he need only say "Who createst all kinds of food", and thereafter say "For the sustenance" Sometimes the dough is made very thin, that is to say, flour and water are put into a pot and, after being mixed together, it is poured over vegetables and baked in an oven (i. e. a pie crust), this dough is governed by the law which applies to *Path habaah b'khisnin* (See supra 2).

6. Dough, which was boiled and afterwards baked, as in the case of certain puddings, is considered to be bread proper provided it be well baked.

7. Regarding proper bread, cooked or fried in butter and the like, even if the appearance of bread had been taken therefrom, e. g., by being smeared with eggs, all the laws concerning bread relate to a portion thereof which is the size of an olive. But if there be not the amount equal to the size of an olive in every portion, although on account of the cooking the dough expanded so that each portion was the size of an olive, or if the cooking made it to cling together and it became a large mass, and even if it have the appearance of bread, yet the law concerning bread does not apply thereto, and only the benediction "Who createst all kinds of food", before eating and "For the sustenance, after eating are to be said, even if he ate till he was satisfied. However, if he did not cook it, but merely poured hot broth upon it, the benediction to be pronounced thereon is doubtful, because we are not sure whether the pouring out of the broth is considered in this manner to be cooking or not; it is best to partake thereof in the course of a meal only. If it were not cooked but soaked in some liquid or soup and the like, and the portion thereof were not the size of an olive, the law depends upon the following consideration: whether it possess the appearance of bread or not, in the former case the laws relating to bread apply, but if it have not the appearance of bread, the laws relating to bread do not apply thereto, and he should say only the benediction "Who createst all kinds of food" before, and "For the sustenances" after, even if he ate till he was satisfied. If the appearance of the liquid were changed by the portions of the food soaked therein, it is evident that it has lost the appearance of bread; if it were soaked in red wine it has likewise lost the appearance of bread.

8. Over dough that was cooked, after having been kneaded with water only, the benediction "Who createst all kinds of food" must be said before partaking thereof, and the benediction "For the sustenance" thereafter, even if he had eaten till he was satisfied. If barley, which belongs to the five species of grain, was cooked, it also requires prior to its being eaten, to be preceded by the benediction "Who createst all kinds of food," and followed by the benediction "For the sustenance," even if one

had eaten till he was satisfied. If he had eaten this soup, or farinaceous food which he had eaten with soup or milk in which it was cooked, he is not required to say a benediction over the soup or the milk, for they are secondary to the farinaceous food, and have lost their essential value. However, if one had cooked but little of the farinaceous food or barley, and his main object was the preparation of the broth or milk, then the latter do not lose their essential value, and he should first say the benediction "All things exist" over the broth or the milk. Although he has partaken of the farinaceous food or barley, the broth or the milk must be considered as the staple element of the dish. Nevertheless in order to do the proper thing, it is right to say the benediction "All things exist" first over the broth or the milk alone, and to drink a little thereof, and thereafter to say the benediction "Who createst all kinds of food" over the farinaceous food or barley, since they also are not of secondary importance, although the main object in preparing the dish was not on their account. But as they belong to a species of corn, they are of value and do not become of secondary importance so as to lose their appropriate and special benediction, which would otherwise be the case when anything is used merely to give a flavour to a dish.

9. Food prepared from ground *Matzoth* or pieces of bread mixed with fat, eggs, or milk and which are kneaded, cooked or fried, are subject to the benediction "Who createst all kind of food," and "For the sustenance" before and thereafter respectively.

10. If one had cooked certain kinds of corn-flour with flour of different species, as in the custom of cooking little pieces of dough with bay-leaves or beans (or peas), and if the majority belong to one species, since each species is distinct from the other, he must say two benedictions; first saying the benediction "Who createst all kinds of food" and partaking of the dough, and then follow with the benediction "Who createst the fruit of the earth" over the beans, etc., of which he should also partake, then he should eat these together. The broth is held to be of secondary importance and no benediction need be said on its account. If, however, they were dissolved and merged in one, as is done at times with a dish consisting of flour, eggs and cheese which is cooked or fried, even if the flour be but little, nevertheless because it belongs to the five species of corn it is an important ingredient, and the benediction "Who createst all kinds of food" must be said before partaking thereof, and "For the sustenance" after partaking thereof. But this only applies when the flour is required in order to flavor the dish, but if it were used merely as a thickening ingredient, just as occurs when different kinds of relishes are prepared with a little flour, or when almonds, sugar and eggs are used for making pastries, then the flour loses its identity and over the principal component of the dish alone should he say the benediction. Over broth which is cooked or prepared with a little flour which has been roasted or fried in butter, we likewise say only the benediction "All things exist." But if he pick out the pieces which have been fried and eat them he must say "Who createst

all kinds of food" before partaking thereof, and if he have eaten thereof an amount equal to the size of an olive, he must say thereafter "For the sustenance" etc.

CHAPTER XLIX.

Laws Concerning the Benediction to be Pronounced over Wine, also Relating to the Benediction Hatov V'hametiv.

1. Over wine the benediction "Who created the fruit of the vine" is said and thereafter "For the wine", etc.; and it makes no difference whether the wine were still bubbling, or exuding by itself, or if it were spiced i. e., it contained honey and spices, or absinthe which is bitter, or if the wine gave forth the odor of vinegar, so long as it tastes like wine, it is considered to be wine with reference to a benediction. But if it turned sour to such a degree that there are some who would avoid drinking it on account of its acidity, the benediction to be pronounced thereon is a matter of doubt. One should therefore not partake thereof until he had pronounced a benediction over good wine. (Vide LIII, infra).

2. If one poured water upon kernels that yielded wine upon pressure and which were not yet squeezed in a wine press, although the wine he finds does not exceed the quantity of water which he had poured upon them, or even if the wine they yielded were less than the quantity of the water, nevertheless, if it tastes like wine, the benediction "Who createst the fruit of the vine" must be said (before partaking thereof); however, if the kernels had been squeezed in a wine press, after which water had been poured upon them, or if water had been poured upon wine lees, it is considered as water only.

3. When the wine has been mingled with water and if the wine were only a sixth part thereof, the wine is disregarded and it is considered to be merely water. If, however, the wine be more (than a sixth part of the water), and if it be the custom in that place to mix wine in that proportion and to drink it in lieu of wine, then before partaking thereof the benediction "Who createst the *food* of the *vine*" must be said, and there after "For the wine"; but if this be not the case the wine therein may be disregarded.

4. Just as bread when fixed as the staple food exempts all kinds of food (from its benediction), so with wine. If one resolves to partake of wine by way of refreshment, it exempts all other beverages from the first and last benedictions, providing they were set before him when he said the benediction over the wine, or if he intended to drink these beverages as well when he said the benediction. But if they were not before him, nor did he intend to drink them, it is doubtful whether they require a benediction or not. One should therefore avoid partaking thereof until he has said the benediction "All things exist" over some kind of food, having then the intention of including the beverages.

5. However, if he drank the wine casually and had no intention of drinking other beverages, then he certainly must say the first benedictions over the other beverages; but there is a doubt as to the benediction

thereafter whether it is exempt by saying the benediction "For the wine" over the wine. Therefore one should thereafter partake of some fruit which after being consumed necessitates the saying of "Who createst many living beings" whereby the beverages may be exempt from the concluding benediction.

6. One who says the benediction of sanctification (Kiddush) over wine and intends to drink brandy or coffee thereafter, it is doubtful whether the latter is exempt or not from a separate benediction by that pronounced over the wine. He should therefore resolve not to exempt it, and he should even then say the benediction "All things exist" over some sugar and thus exempt the beverages from a separate benediction.

7. When one is about to say the benediction over wine in the course of a repast and also in the presence of others, he should say "Give heed! O my friends," in order to direct their attention so that they should interrupt their meal and hear the benediction.

8. If one had partaken of one kind of wine, whether in the course of the repast or not, and another kind of wine is brought to him, he need not say the benediction "Who createst the fruit of the vine" over the latter, since he has neither changed his mind on this matter nor has his attention been diverted from his wine, but he should say the benediction "Who art good and dispenseth good". Likewise if they bring before him a third kind of wine, he also says over this the benediction "Who art good and dispenseth good," and so on.

9. If one's mind were diverted therefrom in such wise that it is necessary to say the benediction "Who createst the fruit of the vine," he should first say "Who art good and dispenseth good" and thereafter "Who createst the fruit of the vine."

10. The benediction "Who art good and dispenseth good" is only said when one has no knowledge that the second wine is inferior to the first, although he is likewise unaware that it is superior thereto. But if it be known that it is inferior to that already used, then no benediction is to be said. If, however, it be also more wholesome than the former, although its taste be inferior he should say over it the same benediction "Who art good and dispenseth good."

11. Even if they had from the beginning of the repast two kinds of wine but they were not both on the table when the benediction "Who createst the fruit of the vine" was said, then over the second kind, which happens to be superior, the benediction "Who art good and dispenseth good" is said. If the two kinds were on the table the benediction "Who art good and dispenseth good" is not to be said, but "Who createst the fruit of the vine" must be said over the wine of superior quality to exempt the inferior kind from any benediction.

12. The benediction "Who art good and dispenseth good" is not said unless there be some of the first kind of wine left and the second sort is partaken of merely for the sake of variety. But if the second kind be provided because the first sort is exhausted the benediction "Who art good and dispenseth good" is not said over the same.

13. The benediction "Who art good and dispenseth good" is not said unless there be another person who also drinks of the two kinds of wine, implying that God is good to him and that He dispenses good to his companion. This is also the rule if one have his wife and children with him at table, but if he be alone he does not say the benediction "Who art good and dispenseth good".

14. If a guest is at his host's table and the host has placed on the table a decanter of wine that anybody may drink thereof, as is the custom at banquets, then the wine is considered to be their common property, and they should say the benediction "Who art good and dispenseth good". If the host had given a glass of wine to each guest, they should not say the Benediction "Who art good and dispenseth good", inasmuch as the wine is not their common property; even the host should not say that benediction.

15. One person may say the benediction and exempt all the rest of the company from their obligation of saying the same and he should first say "Give heed! O my friends", to direct their attention to the benediction, and they should respond Amen! This applies only to a case where each one has his glass before him, so that he may immediately drink without interruption between the benediction and the drinking.

16. If one recite Grace after the meal over a glass of wine of a different kind (to that which he had drunk previously) he need not say the benediction "Who art good and dispenseth good" thereafter, as he is exempt by the section "Who art good and dispenseth good" which he says in the Grace after the meal.

CHAPTER L.

Laws Concerning Benedictions to be said before Enjoying the Gifts of God.

1. It is written: "Unto the Lord belongeth the earth with what filleth it" (Ps. xxiv, 1), which infers that everything is like sacred matter. And just as it is forbidden to derive any benefit from sacred things until after they were redeemed (he deriving benefit from sacred things without redemption being guilty of a trespass), so is it forbidden to derive any pleasure in this world without first pronouncing a benediction. He who does so derive benefit without a benediction, is considered as if he had committed a trespass against the sanctuary of God, blessed be His name. There is no set limit as far as the first benediction is concerned: if one eat or drink aught, no matter how little, is obligated to pronounce the first benediction.

2. Although if one had inadvertently said the benediction "All things exist" over any article of food or drink, be it even bread and wine, his religious duty is done, nevertheless this must not be done intentionally. It is therefore one's duty to learn how to distinguish the various benedictions and to say the appropriate one according to the kind to be enjoyed. If one is in doubt as to which class a certain thing belongs, or if there are varying opinions held by the authorities, and no definite decision is available as to the appropriate benediction, he should then do say "All things exist"; but it is preferable if he should exempt it from any benediction by partaking thereof in the course of the meal.

3. One should take the article, over which he is about to say the benediction before eating or drinking or smelling the same, in his right hand and well consider which benediction he ought to say, so that when

mentioning the Divine Name, which is the principal part of the benediction, he may know how to conclude the same. If one had said the benediction over the article without having taken it in his hand, so long as it was before him (at that time), his duty is done. However, if the article were not before him when he said the benediction, but it was brought to him later, even if his mind were centered thereon whilst saying the benediction still his duty is not done and he must repeat the benediction.

4. If one took in his hand some fruit to eat and he said the benediction and it fell out of his hand and was lost, or became too loathsome to be partaken of; or if he had said a benediction over a glass of liquor and spilt it, if at that time there were more of the same kind before him of which it was also his intention to consume even more than was in his hand, consequently the benediction which he had said referred also to what remained before him, and he need not therefore repeat the benediction. But if this were not the case, then the benediction applies only to that which is before him, and he should repeat the benediction. If he intended to partake of more of the same article, but if it were not before him at the time he said the benediction but was brought later, he must repeat the benediction thereon, even if he would ordinarily have been exempt from repeating the same over that which was brought later, had he eaten or drank of the first; in this case, however, it is different.

5. Between the benediction over food and its consumption one should not pause longer than it takes to say "Peace be unto thee, my Rabbi and teacher". Even when masticating the first mouthful of food he must not pause until he has swallowed it. If after saying the benediction, he interrupted himself before eating by speaking of something irrevelant to the meal, he must repeat the benediction; but if he delayed in eating by pausing silently, he need not repeat the benediction. Any delay necessary for the purpose of the meal is not considered an interruption, therefore should one desire to partake of a large fruit which he must cut up before eating, he must say the benediction over an entire article, inasmuch as the subsequent delay caused by cutting up the fruit for the purpose of eating it, is not considered an interruption. However, if one desire to eat a fruit that might contain worms and therefore be improper to partake thereof, and has no more left, he should open it and examine it before saying the benediction.

6. If one were about to drink water, but before partaking thereof he spilt a little fearing that the surface water might be unhealthy, he should do this before saying the benediction and not thereafter, so as to avoid any disrespect with regard to the benediction.

7. One who tastes food to ascertain if it need salt, or for similar purposes, if he eject it, he is not required to say a benediction. However, if he swallow it, there is a doubt whether he is obligated to say a benediction, inasmuch as he swallowed it, or he need not say it because he does

not intend to make a meal thereof, he should therefore bear in mind, when partaking thereof, that he relished it as a meal, and he should first say a benediction and then swallow the food.

8. One who partakes of food or drink as medicine, if it be something savoury which he relishes, even if it be forbidden food, he should say the preceding and the concluding benedictions appropriate thereto, since the law permits him now to partake thereof. If, however, the article be of bitter taste and unpalatable, he should not say a benediction over it. He who drinks a raw egg to make his voice clear, must say the benediction over it, for although he does not enjoy its taste, he enjoys the nourishment it affords him.

9. One who drinks some beverage or eats a piece of bread or any other food which affords him some benefit, for the purpose of aiding him to swallow something that had lodged in his throat, should say its preceding and concluding benedictions. But if he drink water, not because of thirst, but for the purpose of aiding him to swallow what had lodged in his throat or for any other purpose, he is not obliged to say any benediction, for a man does not enjoy the drinking of water unless it be to allay his thirst.

10. If one had inadvertently taken food in his mouth without having said its benediction, he should act as follows: If it be an article that can be ejected without becoming loathsome, he should eject it into his hand and say the benediction over the same, but he should not say the benediction while it is yet in his mouth for it is written: "My mouth shall be filled with Thy praise" (Ps. lxx 18). But if it be an article, which the ejection thereof would make it loathsome, inasmuch as wasting food is prohibited, he should let it remain on one side of his mouth, while saying the benediction. However, in the case of a beverage, which it is impossible to place on one side of the mouth (so as to say the benediction), then if he have some more of the beverage, he should eject it and let it be wasted, but if he have no other and he is in pressing need of the little that he has in his mouth, he should swallow it, and then say its preceding but not its concluding benediction. If it be wine and he drank of it one fourth of a *lug*, he must also say the last benediction.

11. If two kinds of food subject to the same benediction were before him, e. g., a nut and an apple, so that he can say a benediction over the same kind and exempt the other, then he should do this. He is forbidden to say the benediction over one kind with the intention of not having the other kind exempt so that he would have to say the benediction also over the other kind separately, since it is forbidden to give occasion for the saying of a benediction when it is unnecessary to do so. Therefore he should say the benediction over that which belongs to the superior kind and exempt the other kind, although he may not have the intention to exempt the latter. But if he said the benediction over the inferior kind, then the other kind is not exempt thereby unless he had the intention of

doing this. If he therefore merely said the benediction over the inferior kind without any further intention, he must say the benediction again over the other kind which is superior, for it is not proper that the benediction over the inferior kind should unintentionally cause the superior kind to be exempt from its benediction.

12. If there be two kinds, e. g., fruit of a tree and fruit of the earth, or if there be also a kind over which the benediction "All things exist" is said, he should say the benediction appropriate to each, in spite of the fact that he had inadvertently said "All things exist" over all of them, or if he had said the benediction "Who creates the fruit of the ground" over fruit growing on trees he would have done his duty, nevertheless, it is forbidden to act thus intentionally. He must say the proper benediction over each kind, and the benedict on "Who createst the fruit of the trees" takes precedence over "All things exist." If one had wine and grapes before him and he desires to drink the wine first, he says the benediction "Who createst the fruit of the vine," although if he have the intention to exempt the grapes from a separate benediction by the benediction over the wine he may do so, nevertheless he should not intentionally act thus, but he should resolve not to exempt the grapes (by the benediction said over the wine) and should say its proper benediction, "Who createst the fruit of the tree."

13. While partaking of all kinds of food, except bread, if one had changed his place although his thoughts were not diverted from the food he was consuming, nevertheless the change of place is reckoned as though he had diverted his thoughts from this food. Consequently if one ate or drank in one room and then went into another room to conclude the eating or drinking, even if the food be of the kind he first consumed, and even if he held that food or beverage in his hand and carried it into the other room, nevertheless he is obliged to repeat there the preceding benediction over that food. But he is not required to say a concluding benediction over that which he had first consumed, as the concluding benediction will do for both.

14. If one went outside (his house) and thereafter returned to his former place to conclude his repast, he must likewise say the preceding benediction again. The foregoing rule applies only to one who had eaten alone or to one who had eaten with others and all had left their place; however, if one of the company had remained in his place whilst those who went away had the intention of returning to their companion in their former place to finish their repast, then on their return when they resume the meal the benediction need not be repeated, for inasmuch as one of the company had remained there, their gathering together did not cease since they all return to their original meeting place, and it is all reckoned as one meal.

15. Change of place is not involved when one goes from one corner to another in a room, no matter how large that room may be.

16. One who ate fruit in an orchard that was fenced around, and said a benediction over the fruit of one tree with the intention of partaking also of the fruit of other trees, even if they be not in view of each other, so long as he did not divert his thoughts from his intention, he is not required to repeat the benediction; but if the orchard were not fenced around, and more especially if he went from one orchard to another, it does not avail him that his thoughts were not diverted therefrom (and he must repeat the benediction).

CHAPTER LI.

Rules Concerning the Concluding Benediction.

1. After having partaken of the fruit of the tree (not of the seven species mentioned in Deut. viii, 8), and of any of the fruit of the earth, and of vegetables and of any food that is not the direct produce of the soil, one should say "Who createst many living things", even if one ate and drank, one concluding benediction thereafter suffices for both.

2. The concluding benediction as well as the Grace after meals must not be said unless one had eaten no less than the prescribed quantity which is the amount equal to the size of an olive. After having partaken of food that is less than the quantity equal to the size of an olive, one is not required to say the concluding benediction. According to some authorities one is not bound to say the concluding benediction after having partaken of liquor unless it contained a quart of a lug. Other authorities hold that one is required to say the concluding benediction after having partaken of liquor even if it contained only the size of an olive. Therefore in order to avoid any doubt, one should take care to drink less than the quantity equal to the size of an olive or a quart of a lug. It makes no difference whether the beverage be brandy or any kind of liquid.

3. If a thing be exactly as it is produced by nature, e. g., a nut or any other fruit, or even a bean, although its quantity does not equal the quantity of an olive, nevertheless since the article is whole we say thereafter the concluding benediction. Some authorities, however, differ on this point. Therefore to avoid any doubt one should not eat unless there be the amount of an olive. If the article had been divided before it was eaten, it loses its special value (from the ritual standpoint), and according to all the authorities, we do not say the concluding benediction if less than an olive measure thereof had been consumed.

4. All articles of food can be combined together to make up the required quantity of an olive (with reference to the concluding benediction); thus if one ate half of the required quantity of an olive of food after which the benediction "Who createst many living things" is said, and another half of an olive of another food after which the benediction embodying the three blessings is said, or even if it were half the required quantity of an olive of bread, then the concluding benediction "Who createst many living things" is said. And it seems to me that if one ate half the required quantity of an olive of such kinds of food after which "For the tree" is said, and he also ate half the quantity of an olive of a kind of food after which the benediction "For the sustenance" is said and another half of the required quantity of an olive of bread, in such event (although in this case there is no kind of food that requires the concluding benediction "The creator of many souls" to be said, nevertheless) the benediction "The creator of many souls" should be said thereafter. If one ate the size of a half an olive of a kind of food requiring thereafter the bene-

diction "For the sustenance," and he also ate half an olive of bread, in such a case he concludes with the benediction "For the sustenance." Eating and drinking are not to be combined in this respect.

5. If one ate half the required quantity of an olive and tarried, and then resumed eating the second half of the quantity of an olive, then if the interval between the beginning of the eating and the end thereof did not exceed the time taken to eat a piece of bread, then the two occasions of eating are combined and thereafter the concluding benediction is said. If, however, the interval exceeded this limit then the two occasions of eating are not combined. With regard to drinking, if he made a pause of less time than the limit just mentioned the separate acts of drinking are not combined.

6. If one drink a hot beverage gradually, since he does not drink the minimum quantity (required for the benediction), although this is the usual way of drinking it, nevertheless the different quantities consumed are not combined and no concluding benediction is to be said.

7. The land of Israel is famous for the seven species which it produces, as it is written "A land of wheat, and barley, and of vine, and the fig-tree, and of honey," and thereafter it is written "A land wherein thou shalt eat bread without scarceness . . . and when thou hast eaten and art satisfied, then thou shalt bless" etc., (Deut. viii, 8-10). Moreover concerning bread the Torah is explicit in its precept: "And thou shalt eat and be satisfied, and thou shalt bless" (Deut. viii 10); therefore if one had eaten bread of the five species of grain, viz., wheat and barley, (mentioned in Deut. viii, 8), and also spelt, oats or rye, which are included as belonging to wheat and barley, must say the Grace thereafter, which consists of three complete benedictions, including also the benediction "Who art good and dispenseth good". However, after having partaken of food, which is not really bread but which is farinaceous, prepared from the five species of grain aforementioned, also after having partaken of the vine, in the form of wine or grapes, either fresh or dried, large or small, or of figs, pomegranates, olives or dates, the latter being the "honey" of which the Torah speaks, inasmuch as honey exudes therefrom, the concluding benediction embodying the three blessings should be said. This grace contains in a brief form the three benedictions as well as the benediction "Who art good and dispenseth good" of the Grace after meals.

8. The benediction embodying the three blessings which is said after "various kinds of food", begins thus: "Blessed art Thou, O Lord our God, King of the Universe for the sustenance and the nourishment", and concludes thus: "And we will give Thee thanks for the land and the sustenance, Blessed art Thou, O Lord, for the land and the sustenance." The benediction after wine begins: "For the vine and the fruit of the vine", and concludes "For the land and the fruit of the vine: blessed . . . for the land and the fruit of the vine." The benediction after fruit begins "For the trees and the fruit of the trees", and concludes "For the land and for the fruits. Blessed . . . for the land and for the fruits." (In Palestine and even elsewhere should we eat the fruit of the Holy Land, we conclude the Grace thus: "For the land and for its fruit"). If one ate various kinds of farinaceous food and drank wine also, he should combine the two benedictions in one Grace. The same rule applies to fruit

and wine. Even if one had partaken of grapes, wine, fruit, and farinaceous food, or even of farinaceous food, wine and fruit, he should combine the three benedictions in one grace, first mentioning "For the sustenance" and then "For the wine" and finally "For the tree". When he combines "For the sustenance" with the other formula, he should not say at the conclusion "And for the nourishment" but "Blessed .... for the land and for the sustenance and for the fruit of the vine," or "For the nourishment, and for the fruit", or "For the nourishment, and for the fruit of the vine, and for the fruits". The text has already been published in our prayer books, and it is the duty of every Israelite to commit this benediction to memory.

9. On Sabbath or Festivals or New Moon, he should insert what relates especially to these days, but if he had forgotten it, he need not repeat the benediction.

10. One should be as particular with this benediction as with the Grace after meals (as provided for in Chapter xliv, 6, supra).

11. In the benediction "Who createst many souls", some authorities say that we should read "That Thou hast created" and others decide that we should read "That He has created". The latter seems to be more correct, for the meaning of the benediction is: "who has created many living beings with their wants," i. e., He has created the living beings and also their wants, meaning thereby all things needed for their wants, namely, the things which are absolutely necessary for life's existence, such as bread and water, and also all the other things which He has created, but which are not absolutely essential but are rather for purposes of enjoyment, e. g., fruit and the like—for all we thank Thee, In other words חי העולמים (he who is the life of all worlds) we must read the letter *Cheth* with a *Pattach* (i. e. *hai* and not *he*).

12. If one had partaken of fruit after which the blessing embodying the three benedictions is to be said, and had also eaten fruits after which "Who createst many souls" is to be said, he should say the blessing embodying the three benedictions and as he mentions therein "The fruit of the tree" he thereby exempts all the other fruits which he had eaten from saying the benediction "Who createst many souls". But if what he had eaten requires thereafter the Grace "Who createst many souls," as it is a different kind of food it is not exempt from its Grace by saying the three benedictions. He should first say the blessing embodying the three benedictions and then "Who createst many souls".

13. One is forbidden to deliberately leave his place or to engage in any occupation before saying the concluding benediction, lest he forget to say it. But if he had left his place, and if "Who createst many souls" were the benediction he is obliged to say, he should say it where he is. If

However, it were the blessing embodying the three benedictions, he should return to his place and say it there, just as he would do if it were the Grace after meals. (Chapter xliv, 9, supra).

14. If after eating or drinking he did not immediately say the concluding benediction, he has time to do so until he has digested the food, which lasts so long as he has no desire to eat or drink. After such time he should no longer say it. If one be unable to properly estimate that time, then if he remember that he had not said the concluding benediction, he should say a benediction over some more of that food, whereof he had partaken, and eat thereof, after which he should say the concluding benediction, and thus exempt that which he had eaten previously.

15. If one ate or drank and vomited, he should not say the concluding Grace, as it is (with regard to the Grace) the same as though the food had been digested.

CHAPTER LII.

Rules Concerning the Benedictions, "Who createst the Fruit of the Trees," "Who createst the Fruit of the Grounds," and "At whose word all things."

1. Before eating fruit which grows on trees one should say the benediction, "Who createst the fruit of the tree"; before partaking of produce which grows in or on the ground, such as turnips, vegetables, beans and herbs, one should say, "Who createst the fruit of the ground." A tree (for the purpose of this law) must have branches which remain in spite of the winter, and which produce leaves in the spring, even though the leaves be as thin as the capsules of flax. But a plant whose branches perish in the winter and whose root alone remains, is not called a "tree" and over its fruit we say "Who createst the fruit of the ground."

2. Before partaking of food, which is not a product of the ground such as meat, fish, milk and cheese, also before drinking any beverage except wine and olive-oil, the benediction "All things exist" should be said. We read נהיה with a *Kametz* under the *Yod*.

3. Although mushrooms and truffles imbibe nutrition from the moisture of the earth, yet their growth is not dependent on the soil but on the atmosphere, therefore they are not called "fruit of the ground," and the benediction "All things exist" should be said over the same.

4. The benediction "Who createst the fruit of the trees" should be said only over an article fit to be eaten when raw, and which it is customary to eat in this state. If it be not customary to eat it raw and it is eaten only when cooked, although it is also fit for food when raw, nevertheless, it is inferior food when raw, and its proper benediction should be said only when one ate it cooked, but if one ate it raw, he should say the

benediction "All things exist." Pickled food is considered the same as cooked food; therefore before partaking of pickled cabbage one should say the benediction "Who createst the fruit of the ground." Salted food is also governed by the same law as cooked food in this respect.

5. Before partaking of radishes one should say the benediction "Who createst the fruit of the ground"; likewise over garlic and onions that are soft and which are usually eaten raw; although they are generally eaten only with bread, nevertheless, if one ate them without bread the benediction "Who createst the fruit of the ground" should be said. But if through being old they become very pungent in taste and it is not usual to eat them raw, one who ate them raw should say the benediction "All things exist."

6. Some articles are more proper for food when they are raw than when they are cooked, as the cooking spoils them; one who is about to partake of them when cooked, should say the benediction "All things exist." Although if one cooked them with meat and its taste became improved because of the meat, nevertheless, inasmuch as the meat is the principal article of food, only the benediction "All things exist" should be said over the same. However, if one cooked them in such a manner that they became the principal article of food and also improved them thereby, as for instance, if he had fried them in fat or honey or the like, he should say the proper benediction over them, as it makes no difference whether they were cooked in water or in fat or in honey.

7. The inferior kinds of fruit which grow in thorn-brushes and briars, or on other shrubs which are of spontaneous growth and are not planted by man, such as wild apples and the like which are not fit to eat when raw, even if he cooked or fried them in honey or sugar, thus making them fit for food, only the benediction "All things exist" should be said. But hazel-nuts, although they grow in the woods, are considered superior articles of food, and the benediction "Who createst the fruit of the tree" should be said over them.

8. Herbs which grow spontaneously without cultivation, and are fit to eat when raw, although he had cooked them so that they are a proper dish, inasmuch as they were not planted, they are not considered as fruits, and the benediction "All things exist" should be said. Over lettuce, however, and similar vegetables that were planted, one should say the benediction "Who createst the fruit of the ground." Over herbs of spontaneous growth if they include fruit of a superior kind, such as gooseberries and raspberries, the benediction "Who createst the fruit of the ground" must be said.

9. That portion of the fruit which is not its principal part is not esteemed as highly as the fruit itself, but is one degree inferior; therefore over such inferior portion of the fruit of a tree one should say the benediction "Who createst the fruit of the ground:" and in the case of the fruit of

the ground, one should say the benediction "All things exist." The caper tree has leaves which are fit for food, for they have a fruit-like excrescense as on the leaves of the myrtle, and the caper-berries form the chief part of the fruit, while the caper-flowers are but husks around the fruit, like the shells of nuts, and are also eatable. Therefore over caper-berries which are the essential fruit we say, "Who createst the fruit of the trees," and over the leaves, the food like excrescence and the flowers we say "Who createst the fruit of the ground." Likewise over preserves made from rose leaves with honey and sugar we say the benediction "Who createst the fruit of the ground," for although they grow on the tree they do not form the chief part of the fruit; over preserves prepared from orange-peel and over preserves prepared from the rind of the melons one should say the benediction "Who createst the fruit of the ground." Over the pods of peas that are cultivated in the field, although they are sweet in taste, still if one eats them without the peas he should say the benediction "All things exist." If, however, they were cultivated in the garden for the purpose of eating them raw while in their pods, one should say over them the benediction "Who createst the fruit of the ground," even if he should partake of the pods alone.

10. Before partaking of the seeds of fruit one should say the benediction "Who createst the fruit of the ground," providing they be sweet; if, however, they be bitter they are of no value whatever, and the one who partakes thereof need not say any benediction over the same; yet if he sweeten them by the fire or in a like manner, the benediction "All things exist" is to be said.

11. Over almonds which are bitter when small and then the main food is the husk which is not bitter, and which are planted for such use, the benediction "Who createst the fruit of the tree" should be said. But when the almonds are large, the kernal is then the principal part thereof, but as that is bitter he need not say any benediction on partaking of the same. However, if he make them palatable by roasting them over the fire or in any other way, inasmuch as they are fruit and are planted for that purpose, the benediction to be said over them is "Who createst the fruit of the tree." Sugared almonds, even if the sugar were profusely sprinkled on them, require the benediction "Who createst the fruit of the tree," when one partakes thereof. Sugared calamus require the benediction "All things exist" because the calamus is not fruit.

12. On partaking of fruits that were not yet ripened whilst on the tree, but were cooked or fried in honey or the like, as it is customary to preserving unripe fruit in honey or sugar, one should say the benediction "All things exist." On partaking of preserved citrons one should say the benediction "Who createst the fruit of the tree."

13. Over spoiled fruit such as become withered through the heat, and fell from the tree before they were ripe, since they have deteriorated, one says only the benediction "All things exist." Likewise over bread which is stale, or over a dish which became slightly spoiled, one should say the benediction "All things exist," but if they were spoiled to such an extent as to make them unfit for food, no benediction should be said. Nor should a benediction be said over strong vinegar which ferments when poured out on the ground; however, if one had mingled it with water until it became fit to drink, he should say the benediction "All things exist."

14. Some fruits never become ripe whilst on a tree, but after being plucked from the tree they become ripe by being placed in stubble or straw or the like; e. g., certain kinds of small pears, inasmuch as that is their usual way, the benediction "Who createst the fruit of the tree" should be said over them.

15. Some fruits only contain juice stored up in their kernels and are not fit to be eaten, but after the juice has been extracted therefrom they are thrown away, over such juice the benediction "All things exist" should be said. Even if one ate the fruit with their skins and seeds, still the only benediction to be said is "All things exist."

16. We say neither the benediction "Who createst the fruit of the trees" nor the benediction "Who createst the fruit of the ground" unless one can slightly recognize the fruit. But if they be crushed until they are unrecognizable, as is the case with jam which has been boiled or small fruit which has been entirely crushed, the benediction to be said thereon is "All things exist." Yet if he had inadvertently said the benediction originally appropriate thereto his duty is done; however, if the fruit be generally eaten in a crushed form, the benediction originally appropriate thereto is the one that is now applicable.

17. Over millet and rice that were cooked in such a manner that they were not dissolved, we say the benediction "The creator of the fruit of the ground." But if they were dissolved or if one had made a paste of them like bread, there is a difference between rice and millet (in this respect). Because according to the strict law the benediction "Who createst all kinds of fruit" should be said over rice, whereas "All things exist" should be said over millet, and as we are not sure whether "Orez" be really rice and "Dochan" be grit, or vice versa, therefore a religiously minded person should partake of these kinds when dissolved only in the course of a meal. However, in an emergency, if one have no bread (and thus he cannot make a meal wherein he might include them), he should say the benediction "All things exist" before partaking of them, and after eating the same he should say the concluding benediction "Who createst many souls." Before partaking of bread made of pulse, even

where such bread is the staple food, one should say the benediction "All things exist."

18. We say "All things exist" over sugar, and if one suck sugar-canes or cinnamon or liquorice which is chewed and only the taste thereof is enjoyed whilst the chief part is ejected, then the benediction "All things exist" is likewise said.

CHAPTER LIII

Laws Concerning the Benedictions to be said over Soup, also over Fruit and Vegetable Extracts.

1. Over liquors extracted from fruits and vegetables we should say the benediction "All things exist." This also applies to the honey extracted from dates, as no liquor is termed "Fruit," except wine and olive oil; and wine which is highly esteemed a special benediction has been set therefor, "Who createst the fruit of vine." Olive-oil which is also highly esteemed, if one enjoy the same in such manner that he is obliged to say a benediction, he says "Who createst the fruit of the tree."

2. If one cooked fruits which it is not customary to cook, but are usually eaten raw, he should say the benediction "all things exist" before partaking of their juice. However, if it be a kind of fruit which it is customary to dry and to cook and which are easily procurable and are also grown for that purpose, if one cooked them in order to partake of the fruit and its juice, he should say "Who createst the fruit of the tree" over the juice, even if he should not eat the fruit therewith. If one cooked pulse or vegetables, according to the general method of preparing gruel food for consumption, he should likewise say the benediction "Who createst the fruit of the ground" over the juice even if he did not partake of the (rest of the) dish. However, if the one who cooked them did so only for the sake of the fruit or vegetables, then if he drinks the juice, he should previously say the benediction "All things exist." If he cooked them with meat, although the cooking was done also for the sake of the juice, in any case "All things exist" is the benediction to be said over the juice, as the meat is the principal part of the dish.

3. Some fruits are soaked only for the sake of their juice, in such event the latter is subject to the benediction "All things exist"; hence over tea, coffee or beer, whether made from dates or from barley, the benediction to be said is "All things exist."

4. If vegetables or fruits, such as cucumbers, beetroot, leeks, etc., are preserved in water that they become sour, although that is usual with such vegetables, nevertheless over their juice one says only the benediction "All things exist." Although the juice has the same taste as the vegetable or fruit, nevertheless since they were preserved, not on account of flavouring the juice, but so that they themselves might be prepared as preserves, therefore only the benediction "All things exist" is to be said. But if one first ate the vegetable and said the benediction "Who createst the fruit of the ground" and then he wished also to drink some of the juice, it is a doubtful point whether he must say a benediction over the same, for it is likely that his obligation in this matter has been fulfilled by the recital of the benediction "Who createst the fruit of the ground." It is best not to act in the aforementioned manner.

5. The same is the case with fruits, vegetables or pulse and the like, which one had cooked in a liquid which has a taste peculiar to itself, as for instance, in vinegar or in beetroot soup or in milk, the benediction "All things exist" should be pronounced over their liquor.

6. Raisins having so much juice that the juice will exude when they are pressed, if they have been beaten and then soaked in water for the purpose of making a beverage therefrom and not for the purpose of eating the raisins as food, then if they were soaked thus for three days, and began to ferment, and after the three days one poured its liquor into another vessel, such liquor is proper wine over which the benediction "Who createst the fruit of the vine" should be said, and after partaking of the same the blessing containing the three benedictions should be said. On all occasions where a glass of wine is required by law one may fulfil his duty by using above beverage as wine. It is necessary, however, to see to it that the raisins form more than a sixth part of the water used; and in so estimating one should consider the raisins just as though they were in a fresh state before they were dried; all of the foregoing applies only to wine that was made by the soaking of raisins, but if one boiled the raisins in water, the boiling thereof does not cause it to become wine. (If one soaked or boiled the raisins with the purpose of eating the raisins also, there are many doubtful opinions as to the proper benedictions required over the liquid.)

CHAPTER LIV

Laws Concerning that which is Important and that which is Accessory thereto.

1. If one partake of two articles of food, or if one eat and drink, and one of these articles is important for him whilst the other is merely an acessory thereto, for his intentions were not to eat the latter without the former, and if he did not have that which was important he would not eat its accessory; e. g., if one felt faint and with a view of reviving himself, he partook of salt herring or radishes, but since they are pungent he also ate therewith a small piece of bread or something else to mitigate the pungency; or if one desire to drink some brandy and thereafter he partakes of a little bread or fruit to mitigate the pungency, he is obliged to say a bene-

diction only over that which is important and not over that which is accessory thereto—the latter requires neither a preceding nor a concluding benediction—because it is exempt by reason of the benediction pronounced over the important article of food; it does not require even the washing of the hands.

2. This applies only to a case were one first ate the article which is important for him and thereafter he ate that which is accessory thereto; or when he said the benediction over this article, he also intended to eat its accessory, or if he be accustomed to partake of them in such a manner, which is as though he had mentally included the latter (in his benediction over the former); furthermore it applies also to a case only where he partook of the accessory in the same place, for if he did go into another room before doing so, he is obliged to say a separate benediction over the accessory.

3. If one eat the accessory before he eats the important article, e. g., if one desire to drink wine or brandy and in order not to drink upon an empty stomach, he first eats a small piece of some food, he must say the benediction over the accessory also. But since this is only an accessory now, so some hold that he need say only "All things exist" while others differ. And in order to remove the doubt one should rather drink first of all a little of the wine or brandy, and then the benediction pronounced over it will exempt the accessory from any further benediction.

4. If one's mind be equally intent upon two articles of food; e. g., if one desire to drink brandy, and also to eat dessert, honey-cake, preserves or the like, he should say a separate benediction over each, giving precedence to the benediction over the dessert, cake and preserves because they are considered more important, and thereafter he should say the benediction over the brandy. Much more is this the case if one ate dessert and also drank coffee, that he must say a separate benediction over both, first over the dessert and then over the coffee, for his intention was to partake of both.

5. If one desire to partake of a dish composed of two different kinds of food which were cooked together, if each kind be separated, he should say over each kind the benediction appropriate to each, but if they be dissolved and cling together he should say the benediction over that kind which predominates, for that is the more important element, and it exempts its accessories (from a separate benediction). However, if one kind be of the five species (even if it be the least in quantity), the benediction should be said over it, as it is reckoned as the more important element.

6. A dish to which one had added milk or soup which he intended to consume together (is subject to the following conditions); if it were his primary object to eat the dish, he should say the benediction over that only, for then the milk and the soup are considered only as accessories; but if the milk or the soup be what he desired principally to partake of, he should say a benediction over that, and the dish is accessory thereto; if his mind were equally set upon partaking of both, but each is subject to a different benediction, he should first say the benediction over the dish and eat a little thereof, and then he should say the benediction "All things exist" over the soup or milk; the law of a greater quantity does not apply to the foregoing, and even if the food be of a species of grain, it is not (in this connection) reckoned as an essential article. (For the law regarding food boiled in water or in milk, vide xlviii and liii, supra.)

7. Before partaking of ground spices mixed with sugar a benediction should be said only over the spices which are considered to be the essential elements. Over a nutmeg one should say the benediction "Who createst the fruit of the tree", over cinnamon, "Who createst the fruit of the ground," and over ginger, "Who createst the fruit of the ground."

8. If one desire to drink olive-oil in its natural state, inasmuch as it is injurious to his health, he should not say any benediction over it. If, however, he mixed the olive-oil with other ingredients, it becomes a mere accessory, and he should say the benediction upon that which is paramount. However, if one have some ailment and he must drink the oil medicinally, and he mixes it with other ingredients in order to avoid its injurious effect, inasmuch as the oil is the primary object for him, even if it be the least of the ingredients, he should say the benediction "Who createst the fruit of the tree" thereon and exempt the other ingredients. However, if one be thirsty and if he partake of a beverage to quench his thirst, and incidentally he also mixed therewith some olive-oil for a medical purpose he should say a benediction only over the beverage. This law applies also when one puts muscatels or cinnamon or ginger in a beverage; in all such cases we always consider what his primary object was.

9. In all kinds of preserves, the honey and the sugar are mere accessories and the benediction should be said only over the fruit, which is the essential element.

CHAPTER LV

Laws Concerning the Order of Precedence Relating to Benedictions.

1. If one have before him many varieties of fruit and he desires to partake of all of them, he should be guided by the following conditions: if they be all subject to the same benediction, he should say it over the kind which he likes best; if he be equally fond of all and if there be amongst them one of the seven species with which the land of Israel was praised, he should say the benediction over this even if there be only a half of that fruit, whilst the others are whole; but if there be none of the seven species amongst them, if some fruit be whole, and others be not whole, the benediction should preferably be said over the whole fruit. The same conditions apply to one who desire to partake of two kinds of fruit that are each subject to a different benediction, e. g., one kind is subject to the benediction "Who createst the fruit of the trees," and the other to the benediction "Who createst the fruit of the ground," thus requiring the recital of both; if he be fonder of one of the two kinds, he should give the fonder one precedence; if he is equally fond of both, then any one of the seven species has precedence, even if it be not whole, if there be none of the seven species amongst them, precedence should be given to the whole fruit; but if they be both the same, either whole or not, the benediction "Who createst the fruit of the tree" has precedence over the benediction "Who createst the fruit of the ground."

2. If all the fruit be of the seven species, and one is equally fond of them, he should give the precedence in pronouncing the benediction to that kind which is mentioned first in the Torah (Deut. xiii, 8). The second word *eretz* (a land) in the verse enumerating the seven species sub-

divides the narrative; therefore, dates take precedence over grapes, because dates are mentioned second after the second *eretz* in that verse, and grapes are mentioned third after the first *eretz*. That is only as far as grapes are concerned, but wine, being an important beverage, has its special benediction and therefore it takes precedence over all kinds of fruit.

3. The precedence given to one of the seven species is obligatory only if the fruit be ripe, but if the fruit be unripe it has no claim to precedence, because the text is not concerned with anything which is not complete and proper. Likewise if he ate thereof in a manner so that he cannot enjoy it, e. g., the chewing of wheat, the law of precedence does not apply thereto.

4. If one had before him a kind of food over which either the benediction "Who createst the fruit of the tree" or "Who createst the fruit of the ground" is to be said, and another kind over which the benediction "All things exist" should be recited even if he prefer to eat both kinds, he should nevertheless give precedence by saying either the benediction "Who createst the fruit of the tree," or "Who createst the fruit of the ground," for they are important since they are more specific since they exempt a certain particular kind only, whereas "All things exist" is a comprehensive benediction. Even in the case where he is more fond of the object over which "All things exist" is to be said, still preference is to be given to the benedictions "Who createst the fruit of the tree" and "Who createst the fruit of the ground."

5. The benediction "Who createst various kinds of food" takes precedence even over the benediction over wine, needless to state that the benediction "Who bringest forth" takes precedence over the benediction over wine, for the reason that it takes precedence over the benediction "Who createst various kinds of food." Therefore on Sabbaths and on Holydays when saying the sanctification (kiddush) over wine, the bread should be covered in order that it may not be insulted by giving precedence to the benediction over wine. Also on a Sabbath morning when he intends to partake of farinaceous food after kiddush he should have that food covered when pronouncing the kiddush over wine.

CHAPTER LVI

Laws Concerning Benedictions Pronounced Erroneously.

1. One who by error said the benediction "Who createst various kinds of food" over proper bread or the benediction "Who bringest forth" over cake, has fulfilled his obligation. If, however, he had said the benediction "Who bringest forth" over a dish even if he be prepared from the five species of grain, his obligation is not discharged. If by error he had said the benediction "Who createst the fruit of the vine" over grapes, his obligation is discharged. Likewise, if he had erred in saying over grapes the concluding grace "For the vine", etc., his obligation is fulfilled, as grapes are also fruit of the vine.

2. If by error one said the benediction "Who createst the fruit of the ground" over fruit of the tree, or if both kinds were before him, and by error he had given precedence in saying the benediction over the fruit of the ground with the intention of exempting thereby the fruit of the tree, his obligation is fulfilled, as the fruit of the tree also gets its sustenance from the ground. But if he said the benediction "Who createst the fruit of the tree" over the fruit of the ground his obligation is not fulfilled. Consequently if one be in doubt as to which species a certain fruit belongs, whether to the tree or to the ground, and it is impossible for him to ascertain the fact, he should say the benediction "Who createst the fruit of the ground."

3. If by error one had said over wine the benediction "Who createst the fruit of the tree," if he at once became aware of it, he should immediately add the words "Who createst the fruit of the vine"; but if he did not become aware of it immediately, and it happened unintentionally, his obligation is fulfilled.

4. If by error one had said the benediction "All things exist" over any article, even over bread or wine, his obligation is fulfilled.

5. Although it is incumbent that one should have the intention at the very outset over what kind of food he is to begin and conclude the benediction, nevertheless if one erred in the intention, e. g., he thought he was about to drink wine, and he began the benediction with the intention of concluding it with "Who createst the fruit of the vine," but before thus concluding it he had discovered that it was water or beer and concluded the benediction with the formula of "All things exist," it is not necessary to repeat the benediction, since it is not obligatory to repeat a benediction owing to an error in one's intention. Much more so is this the case if the above-mentioned example were reversed, and if he had mistaken wine for beer or water and began the benediction with the intention of concluding it with "All things exist," but he had become aware of his error and discovered that it was wine and he said "Who createst the fruit of the vine" his duty is fulfilled, for if he had concluded as he originally intended to (with "All things exist"), he would also have fulfilled his obligation.

6. Moreover even if one had concluded the entire benediction erroneously but instantly became aware of his error and rectified it, e. g., if he took a glass of water or beer, thinking it was wine, and said "Who createst the fruit of the vine," and then he found out immediately that it was water or beer and he concluded by reciting "All things exist," saying thus: "Who createst the fruit of the vine"—"by whose word all things exist," his obligation is fulfilled.

7. If in the foregoing instance he did not instantly become aware of his error, he must say again the benediction "All things exist," if he desire to drink this glass. If he also intended to partake of wine, he should take wine and drink a little, and it is not necessary for him to say a second benediction provided he had not interrupted by speaking. Even though he first tasted the contents of the glass and discovered that it contained water or beer, nevertheless this is not considered an interruption if he already acted in this manner.

CHAPTER LVII

Laws as to the Benediction over an Article of Food, where more was Served than was Originally Intended.

1. If one had said a benediction over bread, having had no intention of partaking of more than what he had prepared for himself, e. g., he had purchased a loaf or a roll and he thought that this would suffice, and then he desired to eat more of the same, and he sent and had some more bought, even if there is still some left of which he had originally prepared before him, he is nevertheless obliged to repeat the benediction "Who bringest forth" over the additional that was brought to him, because he had changed his mind. However, if one have bread in the house and he cut off a portion thinking it would be sufficient, and then he desired to

partake of more of it and he cut off some more, although he had nothing left of the first piece, still he need not repeat the benediction, as that is not considered as though he had changed his mind, for this is the usual custom.

2. If one had said a benediction over fruit of which he partakes, and thereafter more fruit was brought to him, if at the time he said the benediction it was his purpose to include thereby all that would be brought to him, he is exempt from repeating the benediction over that which is subsequently brought to him, even if he have no more of the first fruit left, and even if the additional fruit be not of the same kind as the first fruit but are subject to the same benediction. If, however, he changed his mind in regard to what was brought later, that is to say, if it were his original intention to eat only what was before him, but he subsequently changed his mind and decided to eat more than that, even if that which was brought later be of the same kind as the first, and he also had some left of the first fruit. he is nevertheless obliged to repeat the benediction over that which was subsequently brought to him.

3. However, if one had no thought, one way or the other concerning anything that might be brought later, then the following distinction should be observed: if none of the first fruit were left at the time when more of it was brought to him, he must repeat the benediction, but if he had more left, there is a diversity of opinion whether there is any obligation to repeat the benediction over that which was brought later. One should therefore take the precaution, when saying the original benediction, to resolve to exempt thereby all things that may be set before him. If he had no thought concerning what might be brought subsequently, he should abstain from eating thereof, owing to the doubt as to the necessity of repeating the benediction.

4. If the fruit brought to him happened to be of a superior kind and of which he was fonder than of the first (kind of which he had previously partaken), or if something of the seven species were brought to him, he is required to repeat the benediction, even if he had then some of the first left, for the benediction said over an inferior article cannot exempt a superior article, unless he clearly intended to exempt the same when he said the original benediction.

5. Having said the benediction "By whose word all things exist" over beer, with the intention of exempting all articles subject to the same benediction, if they brought fish to the table, he is not required to repeat the benediction. If, however, he had no thought when saying the benediction concerning what might be brought subsequently, he is required to repeat "By whose word all things exist" over the fish that is brought, regardless of the fact that he still had some of the beer left at that time, as the law concerning the exemption of two kinds of fruit is not applicable in this case, for in the case of fruit even if the first kind were apples and the other nuts, nevertheless they are the same class of food; but beer and fish are entirely different kinds, one is an eatable, and the other is a beverage, and the one kind cannot exempt the other, unless they be both before him at the time of saying the benediction, or if he intended to exempt the one by the other.

6. The above rules apply only to one who eats of his own provision, but one who eats at his neighbour's house exempts, by the benediction said over one kind, all that might be brought subsequently even if there be no more left of the first kind (on the table) as it all depends on

the host's will. Yet if he had actually changed his mind concerning the article that was subsequently brought to him, he is obliged to repeat the benediction over the same. If the host had no intention of serving his guests with more of the same food, but served them solely at their own request, then the latter are likewise not obliged to repeat the benediction inasmuch as they assume that their host will as a matter of course supply them with all their needs.

7. One who came to a feast and had said a benediction over the glass that was given to him, need not repeat the benediction over the glasses that will be given to him thereafter, if it be usual to give more than one glass, as it is assumed that when he said the benediction over the first glass he intended to exempt all the others.

CHAPTER LVIII

Laws Concerning the Benediction to be said over Fragrance.

1. Just as one is forbidden to enjoy any article of food or drink before its benediction has been said, so is one forbidden to enjoy any fragrant odor before saying a benediction, as it is written: "Let everything that hath breath praise the Lord" (Ps.), and what is it that only the soul and not the body derives pleasure of? It is the fragrant odor . However, after having enjoyed the same, one is not required to say a concluding Grace, for as soon as he had ceased to inhale the fragrance his pleasure has ceased, therefore as regards the Grace it is to be compared with food which is already digested (and which required no further prayer).

2. What benediction do we say over a pleasant fragrance? If it arises from fruit which is fit for food, whether it be fruit of a tree or of the ground, even if it be only made fit by being mixed together with other ingredients, such as the nutmeg, the lemon or the "Ethrog," inasmuch as they are principally used as food, he should then say the benediction "Who giveth fragrant odor in fruit," provided he had intentionally inhaled their fragrance; if, however, when partaking thereof the fragrance had reached him unintentionally he is not obliged to say a benediction over the same. If one inhales the scent of roasted coffee which is pleasant, he should say the benediction "Who giveth fragrant odor in fruit."

3. If the thing out of which the fragrance arises is a tree or a plant one must say the benediction "Who createst the fragrant plants." Therefore over the myrtle or the rose, or frankincense and the like, one should say the benediction "Who createst fragrant plants," since they are chiefly esteemed for their fragrance and not as a food. One should not smell pepper or ginger, as there is a controversy whether a benediction is to be said over the same or not.

4. If the fragrance arises of herbs and vegetables, one should say the benediction "Who createst fragrant herbs." A vegetable is distin-

guished from a tree in the following manner: if it possess a stem as hard as the stalk of flax, and be perennial, and produce leaves it is a tree, but if its stalk be always soft it is an odorous herb.

5. If it be neither a tree nor a herb, such as musk and the like, on inhaling its fragrance one should say the benediction "The creator of various kinds of spices." It seems to me that the same rule applies on smelling dried fungi when they have a pleasant odor.

6. Over balsam-oil which grows in the soil of the land of Israel, the special benediction "The creator of sweet-scented oil" has been instituted, on account of its special worth as being associated with the land of Israel.

7. If on smelling fragrant woods one had in error said the benediction "The creator of fragrant herbs" or vice-versa, he has not fulfilled his obligations. If, however, he had said the benediction "The Creator of various kinds of spices" over any of the odorous spices, his obligation is fulfilled. Therefore, if one be in doubt as to the benediction and he cannot distinguish the spices, he should say the benediction "The Creator of various kinds of spices." It seems to me that if one said the benediction "The Creator of sweet-scented woods" over fruit of a tree, he has done his duty. Therefore it seems to me that over cloves and over the rind of bitter oranges and lemons he should say the benediction "The Creator of sweet-scented woods."

8. Oil or water that was scented with spices or with fragrant wood is subject to the benediction "The Creator of sweet-scented woods," but if scented with fragrant plants, it is subject to the benediction "The Creator of fragrant herbs," and if prepared with divers kinds of perfume due to bark and plants, it is subject to the benediction "The Creator of various kinds of spices." In all cases where the fragrance is due to several articles mixed together the benediction "The Creator of various kinds of spices" is to be said. If the perfume were abstracted from the oil or water leaving none of that element therein except its perfume, it is a question whether a benediction is required on smelling it. One should therefore abstain from smelling this kind of perfume.

9. If a fragrant fruit, odorous bark and plants and aromatic spices were set before a person, he should say the benediction appropriate to each, in the following order: first over the fruit, then over the bark, then over the plants, and then over the spices.

10. One who inhales incense, due to spices being burnt upon coals, should say the benediction as soon as the fumes ascend and before he inhales its fragrance, as obtains in all cases where saying the benediction over articles for human enjoyment is required. The benediction should not be said before the fumes ascend, since the benediction must precede the enjoyment without delay. If one burn fragrant bark he should say "The Creator of sweet-scented woods"; if he burn plants he should say "The Creator of various kinds of spices," and if he burn other kinds of spices, he should say "The Creator of various kinds of spices." A benediction

should be said as above only if he burn the spices specially to inhale their perfume, but if he burn them for the purpose of fumigating the room, as in the case of disinfectants used with a corpse, a benediction should not be said.

11. Wherever the spices are not placed for the special purpose of smelling them, such as spices that are stored in a room as merchandise, and also perfume used to scent utensils, which is not made for purpose of inhaling but only to scent the utensils therewith, these spices and perfumes need no benediction, even when one smells them intentionally.

12. If, however, one entered a store where various spices are sold, or a chemist's shop, and intended to smell them, he should previously say the benediction "The Creator of various kinds of spices," as the spices are there for this purpose, for the shopkeeper is glad if people smell them and purchase them because of that. If one had entered and left the place several times in succession, if when first saying the benediction he had in mind to exempt subsequent visits, he need not repeat the benediction, but if his attention were diverted therefrom or if he had remained a long time outside the shop, he is required to say the benediction whenever he returns there.

13. Scent without any substance, e. g., garments which have been perfumed, or if spices had been placed in a vessel which absorbed their scent, or if one handled citrons or other fruit having a fragrant odor which remained on his fingers or garments, in all these cases no benediction is required.

14. Vide Chapter clii, 10 and clxvii, 7.

CHAPTER LIX.

Laws Concerning the Benedictions "Who Kept Us in Life" and "Who is Good and Dispenseth Good."

1. If one hears good tidings from a reliable party, who was an eye witness, needless to say when one witnesses it in person, one should say the benediction "Who kept us in life." This applies only to a case where only he alone is benefited by the tidings, but if it be good for him and others as well, he should say the benediction "Blessed art Thou, O Lord and God, King of the Universe, who is good and dispenseth good to others" implying that it is good for himself and that God dispenses good to his fellowmen. If at the time he beheld that which was good for himself or heard the good tidings he could not say the benediction on account of his physical condition or owing to the locality where he happened to be, he can say the benediction later. This applies also to the benediction "The just judge, etc."

2. It is the duty of man to bless the Lord, blessed be His name, also for evil, for it is written "And thou shalt love the Lord thy God with all thy heart, and with all thy soul and with all thy might." "With all

thy heart," means with your two inclinations, with the good and the bad inclination (i. e., even when engaged in wordly affairs, one must fulfill: "In all thy ways acknowledge Him" Pro iii, 6). "And with all thy soul," means even if He takes away thy life; "And with all thy might," means with all thy money. Another meaning of the word *m'odecha* (thy might), is in any measure meted out to you, whether it be a measure of kindness or a measure of punishment, thank Him. How should one bless? On hearing bad tidings one should say: "Blessed art Thou, O Lord our God, King of the Universe, the just judge." If many reports reached him at one time, whether good or evil, one benediction is sufficient for all. It is the duty of a man to bless God for the misfortune with a perfect mind and a willing spirit, just as he blesses God for the good; for it is written: "Of kindness and judgment will I sing: unto Thee, O Lord, will I sing praises" (Ps. ci, 1). If it be kindness I will sing, and if it be judgment I will likewise sing. For to those who worship God even evil is their joy and benefit. Since one receives complacently whatever the Lord, blessed be His name, has decreed against him as an atonement for his sins, then it is evident that when receiving this misfortune he serves the Lord thereby, and service is a source of happiness to him.

3. One to whom a benefit had occurred or who had heard good tidings, although the good is of such nature that evil may apparently ensue therefrom, e. g., if one found an object that the king will confiscate all his possessions if the matter be found out, he should nevertheless say the benediction "Who is good and dispenseth good." If evil befell him, or if he heard evil reports, although these misfortunes will apparently have a good result, e. g., if a flood swept his field and injured its produce and thereafter it became beneficial because it watered his field, nevertheless he should say the benediction "The just judge" since we bless only over the occurrence of the present, and not over the events of the future.

4. A man should be wont to say always "Whatever the All merciful does is for the best."

5. If one's wife give birth to a son, both husband and wife should say the benediction "Who is good and dispenseth good." If the woman died at giving birth, he should say the benediction: "Who kept us in life" because there is no dispensation of good to others. Likewise if the father died before she had given birth, she should say the benediction "Who kept us in life."

6. If one's father or relative died, or even a non-relative but a pious man, and much more so in the case of a scholar whose death grieves him sorely, he should say the benediction "Blessed art thou, O Lord our God King of the universe, the just judge." On the demise of one whose death does not cause him so much grief, one should say the benediction "Blessed be the just judge," omitting the Divine Name and Kingship. If there is property left by one's father as an inheritance, he should also say

"Who kept us in Life." If there are also brothers to share in the inheritance he should say instead "Who is good and dispenseth good."

7. If one had built or bought a house, or if he had purchased vessels or valuable garments, although he had previously acquired similar possessions, so long as he had never owned these previously and he rejoices in their acquisition, he should say the benediction "Who kept us in life." The benediction should be said at the time the purchase is made or upon the completion of the building, although he had not yet made use of the same, as the benediction is on account of his joy of acquisition.

8. If one wear (for the first time) a new garment he should say the benediction "Who clothest the naked." Even if he had already said that benediction in the morning prayers he should repeat the same when putting on the new attire. If, however, he had dressed himself therein in the morning, the benediction of the morning prayer will exempt him from saying a separate benediction over the same. There are some authorities who hold that on putting on a new hat one should say the benediction: "Who crownest Israel with glory;" and on putting a new girdle he should say: "Who girdest Israel with strength;" while there are others who disagree with this view. Therefore it is best to put them on for the first time in the morning, and to have it in mind to exempt them by the benediction said in the regular order of benediction. If one purchased a *talith*, he should say the benediction "Who kept us in life" after he has inserted fringes therein, but if he did not say the benediction at that time, he should say the benediction when first enwrapping himself therein after having said the benediction "To enwrap ourselves in fringed garments."

9. On purchasing articles for household use, one should say the benediction "Who is good and dispenseth good."

10. If one were presented therewith he should say the benediction "Who is good and dispenseth good," as the recipient as well as the donor derives benefit from the gift. If the recipient be a poor man then the donor derives benefit for he is found worthy by God who has enabled him to give charity, and if the recipient be a rich man, the donor is gratified by the former's acceptance of the gift.

11. On purchasing new sacred books one should say the benediction "Who kept us in life," as the things wherewith the precepts are performed are not for sensual enjoyment.

12. On purchasing an article that is of slight value, such as a shirt, shoes or socks, one should not say a benediction, even if he be poor and its acquisition give him joy. If a rich man purchased new utensils whose acquisition would fill one of the middle class with joy, but which the rich man in comparison to his wealth esteems but lightly not finding joy therein, he should not say a benediction.

13. It is customary to say to one who puts on new apparel: "Mayest thou wear out this garment and acquire a new one." One should not say "Mayest thou wear out this garment and acquire a new one" to one who wears new shoes or a new garment made of leather from cattle or an unclean animal, even if the leather be sewn beneath cloth, because to acquire a new garment like this one requires the killing of a living being, and it is written: "And His mercy is upon all His works (Ps. cxlv, 9).

14. If one partakes for the first time of fruit, which is reproduced each year, he should first say the benediction "Who kept us in life" and then the benediction appropriate to the fruit. If, however, he forgot and first said the benediction over the fruit, he can say the benediction "Who kept us in life" thereafter, and it is not considered an interruption. One who omitted the benediction "Who kept us in life" when first partaking of new fruit, should not say it on subsequently partaking of the same. One who has before him several kinds of new fruit, should say the benediction "Who kept us in life" over one kind and include the rest. Two species of fruit, although they slightly resemble each other, such as a cherry and a damson, or even if they bear a name in common and differ in taste, such as green figs and dried figs—if one had said the benediction "Who kept us in life" over one of them, he is required to repeat it when he subsequently partakes of the other, as the eating of each of these fruits constitutes a separate pleasure.

15. If one said the benediction "Who kept us in life" over grapes, some authorities say that it is not necessary to say the benediction when partaking of new wine, because it is one and the same pleasure, since wine is made out of grapes; while others hold that the benediction should be said over the new wine because there is an additional pleasure in the latter. Therefore it is proper that if one had said the benediction over the grapes, then if he should partake of new wine he should first say the benediction "Who kept us in life" over some special kind of food and thereby exempt the wine from this benediction. If one had said the benediction "Who kept us in life" over the new wine, he is no longer required to repeat it over the grapes. This applies only if it were new wine which can be recognized as such, but if he did not partake thereof until it was fermented wine, even if he did not say the benediction "Who kept us in life" over the grapes, he need not say it over the wine, because one cannot distinguish between new and old wine.

16. We do not say the benediction "Who kept us in life" over half-ripe grapes, unless the cluster of grapes had become fully ripe. So is the case with all fruit that they must be fully ripe.

17. It is customary not to say the benediction "Who kept us in life" over vegetables or turnips for the reason that they remain well preserved for a long time by being kept in the earth or in sand, and also for the reason that they are plentiful and one does not take joy therein.

18. One should not say the benediction "Who kept us in life" over a fragrant odor, for only the soul is gratified by the odor, and the soul is everlasting.

19. A man will be called to account in the world to come for that he declined to eat whatever his eye beheld. R. Eliezer was wont to save small coins and buy of everything at least once a year.

20. One who sees his fellow-man after an interval of thirty days from the time when he last saw him; if he be greatly attached to him, he should say the benediction "Who kept us in life." Especially when he is his superior, as for instance, his father or teacher, and he rejoices in seeing him, he should say the benediction "Who kept us in life," even if he had received a letter from him in the interval. On beholding him for the first time in twelve months, he should say the benediction "Blessed art thou, O Lord, our God, who revivest the dead," because he has been forgotten just as the dead are forgotten after twelve months for it is written: "I am forgotten as a dead man out of the heart; I am become like a perishable vessel" (Ps. xxxi, 13). Just as when one loses a vessel and fails to recover it after twelve months he despairs of it, so is the dead forgotten after twelve months. In this case (after twelve months) the benediction "Who kept us in life" need not be said. But if he had received a letter from him at that time, or had heard of his welfare, he should not say "Who revivest the dead" but he should say "Who kept us in life." The law is applicable to both male and female, for even if a man see his wife or mother or sister or daughter, or if a woman see her husband or brother or son the benediction "Who kept us in life" is likewise to be said.

21. One who sees a friend whom he had never met before, but with whom he became friends as a result of having corresponded with one another, need not say a benediction when seeing him, for since they have never seen each other before, the love they mutually bear cannot be so great that he should be overjoyed at seeing him.

CHAPTER LX.

Laws Concerning Benedictions Over Things Seen.

1. On seeing fruit trees in blossom one should say the benediction "Blessed art Thou, O Lord, our God, King of the Universe, who hast made Thy world wanting in nought, but hast produced therein goodly creatures and goodly trees wherewith to give delight unto the children of men." This benediction should be said only once a year. If he delayed

the recital of this benediction until the fruit grew he must not say it subsequently. Another opinion holds that if he neglected to say the benediction the first time he sees the blossoms, he should not say the benediction any more.

2. On seeing shooting stars which dart across the sky from place to place with a transient light, or a comet or a meteor, or on witnessing an earthquake or a hurricane or lightning, one should say the benediction "Blessed art Thou, O Lord our God, King of the Universe who hast made the creation." (This benediction should be said over a shooting star but once during the night, even if he saw another one that night. Over a comet one should say a benediction but once in thirty days.) On hearing thunder after the lightning has passed, one should say the benediction: "Blessed art Thou, O Lord our God, King of the universe, whose strength and might fill the world." If one saw lightning and heard thunder simultaneously he should say only one benediction: "Who hast made the creation." If one said the benediction "Who hast made the creation" over the lightning, and without any interval the thunder was heard immediately thereafter, it is not necessary to say a benediction on account thereof, for it is exempt by the benediction said over the lightning. The benedictions over lightning and thunder should be said directly when they happen, and if an interruption occurred he should not say the benediction.

3. So long as the clouds have not passed by, one benediction exempts all lightnings and thunders that may be heard. But if the clouds had disappeared and the sky had cleared up in the interval between one flash of lightning and the other, or between one peal of thunder and another he must repeat the benediction. A flash of lightning due to the heat and unaccompanied by thunder is not of the same nature as (storm) lightning, and does not require the recital of a benediction.

4. On seeing the rainbow one should say the benediction: "Blessed art thou, O Lord, our God, King of the universe who rememberest the covenant, art faithful to Thy covenant, and keepest Thy promise." One must not gaze too much at the rainbow.

5. At the sight of seas, or mountains famous for their great height one should say the benediction "Who hast made the creation."

6. On the appearance of the sun at the end of its cycle, i. e., after a period of twenty-eight years, when the vernal equinox of Nisan begins at the approach of night fall on the eve of the fourth day, one should say on the morning of the fourth day when the sun is shining "Who hast made the creation." Before pronouncing the benediction one should say the Psalm cxlviii after which he should say the benediction, then he should say "God the Lord" until "And the holy Chayoth," then Psalm xix, and thereafter "It is our duty to praise" and finally the *kaddish* should be recited.

7. This benediction should, if possible, be said in the morning immediately at the rising of the sun, for the zealous hasten to obey the commandments. It is proper to say the benediction in an assembly of the people, for "In the multitude of the people is the King's honor" (Prov. xiv, 28.) (It is therefore proper to make a public announcement of the occasion on the day preceding it, in order that they may assemble). If it be impossible for them all to assemble in the morning they should not, for that reason, delay, but each one should say the benediction immediately he sees the sun shine. The rule concerning the "zealous who hasten to obey the commandments" takes precedence over the rule "In the multitude of the people is the King's honor." If it happened that one did not say the benediction in the morning, he may say it at any time till about 9 a.m., and in case of emergency it may be said until noon. Consequently if the morning were cloudy so that the sun was obscured, one should wait until it is near noon; perhaps the sun will make its appearance, and he may be able to say the benediction mentioning God as King of the Universe; but if it did not make its appearance, he should say the benediction and omit the Divine name and title of King.

8. If the Holy One, blessed be He, had wrought a miracle on behalf of someone, having helped him in a supernatural manner, on seeing the place where the miracle occurred, he should say the benediction: "Blessed . . . who hast wrought a miracle for me in his place." His son, his grandson, and even those who were born before the miracle happened should also say a benediction. How should they say it? His son should say "Who hast wrought a miracle for my father in this place," and if there be many sons they should say: "For our father." His grandson should say "For my anscestors," and if there should be many grandsons they should say "For our ancestors." One for whom many miracles were wrought, on arriving at one of the places should include them all in one benediction as follows: "Who hast wrought a miracle for me in this place and in that place," mentioning the name of the other place. His sons and also his grandsons should also mention all the other places.

9. On seeing a Jewish scholar distinguished for his knowledge of the Torah, one should say the benediction: "Blessed art Thou, O Lord, our God, King of the universe, who has allotted from His wisdom to flesh and blood." On seeing a man versed in secular sciences, one should say the benediction: "Blessed art Thou . . . who has given from His wisdom to flesh and blood."

10. On beholding a king or the ruler of a nation one should say the benediction: "Blessed . . . who hast given of His glory to flesh and blood." Even if the king be invisible, but all the pomp of the royal state indicate his presence the benediction should be said. One who is blind should say the benediction but omit the Divine name and title of King. It is a duty of one to make an effort to behold the glory of kings. Having seen him once, one need not interrupt his study of the Torah in order to see him again, unless he appear this time with greater array and with more glory than previously.

11. On seeing the graves of Israelites, one says the benediction: "Blessed art Thou, O Lord our God, King of the universe, who hast

formed you in judgment," etc. On seeing the graves of heathens, one says: "Your mother is made greatly ashamed; she that bore you is put to the blush; behold the end of nations shall be wilderness, dry land and desert" (Jer. l, 72.)

12. The benediction which one had said on the occasion aforementioned should not be repeated on seeing the same within thirty days; i. e., exclusive of the first day on which he saw it and of the present seeing. On seeing different personages, however, i. e., another sage or king, or other graves or the like, one should repeat the benediction within thirty days.

13. On seeing an Ethiopian or a red Indian or an Albino or a living freak, e. g., a giant or a dwarf, one who is wholly ulcerous, or one whose entire hair is matted, or an elephant, or an ape, one should say: "Blessed art Thou, O Lord, our God, King of the universe, who varies the forms of His creatures." This benediction is to be said only on the first occasion of seeing these freaks, for the first impression is very striking.

14. On seeing for the first time a cripple, or one without hands, or a blind person, or one who is afflicted with leprosy, or white leprosy (which appears in white scabs), if they be thus afflicted from birth one should say the benediction: "Who varies the forms of His creatures." But if they were thus afflicted after birth and it grieves one to behold them, he should say the benediction: "Blessed . . . the true Judge."

15. On seeing goodly trees, or beautiful creatures, whether human or animal, one should say, "Who hast such as this in His world." This benediction is said upon the first seeing and need not be repeated on seeing again the same or other of that kind, unless the latter be more beautiful than the former.

CHAPTER LXI

Laws Concerning the Benediction "Who Vouchsafest Benefits" and Benedictions on Various Occasions.

1. Four classes of people must thank God for special mercy: a person who has crossed the ocean and has reached the desired haven, or on arriving safely at one's destination after having passed through a desert or a dangerous road, or one who was in any peril whatsoever and was saved therefrom, e. g., if a wall fell upon him, or an ox attempted to gore him, or robbers attacked him on a journey or bandits by night and he was saved from them, or similar instances, or on recovering from a serious illness, e. g. a fatal wound, or having been confined to bed for three days,

or one who was imprisoned and then set free, even if his imprisonment were due to civil matters, all of the foregoing should say the benediction: "Blessed art Thou, O Lord our God, King of the universe, who bestows benefits upon the undeserving and who has bestowed upon me all kinds of favors," to which the listeners should respond: "May He who has bestowed upon thee all favors continue thus to do."

2. The benediction "Who vouchsafest benefits" should be said in the presence of ten (male adults) besides the one saying the benediction. Two of the ten should be scholars who are occupied with the Jewish Law, as it is said: "And they must exalt him in the congregation of the people and in the assembly of the elders must they praise him" (Ps. clll, 32). But the absence of the scholars does not disqualify the procedure. It is customary to say the benediction: "Who vouchsafest benefits" on being called to the Torah. One must not deliberately delay saying the benediction "Who vouchsafest benefits" longer than three days; consequently, one who was preserved from danger on a Monday (after the Torah had been read) should immediately say the benediction "Who vouchsafest benefits" without the Scroll of the Torah, and he should not postpone the recital to the following Thursday. If he be a mourner, who is not permitted to be called up to the Torah, he should likewise not wait, but should say the benediction forthwith. He must, however, say it standing before ten (male adults). Nevertheless, one who had inadvertently delayed the recital longer than three days, may say it also after that time.

3. One to whom a miracle happened is in duty bound to set aside a certain sum of money for charity, as much as his means will allow, which he should divide amongst those who are occupied in the study of the Torah, and say: "Behold, I give this money to charity, and may it be the Divine will to consider this as if I had brought a Thank Offering." It is also fitting that he should institute some public improvement in the city (where he resides), and every year on the anniversary he should set that day apart to thank God and to recall the miracle.

4. One who is about to undergo any operation or to try something as a remedy should first offer a brief prayer as follows: "May it be Thy will, O Lord my God, and the God of my fathers that this serve me as a cure for Thou art a gratuitous healer." If the food or beverage, which he is about to partake of medicinally, require the recital of a benediction, he should first offer this prayer and then say the benediction. After the operation, he should say: "Blessed art Thou, O Lord our God, King of the universe, who healest the sick."

5. "To your good health" should be said to one who is sneezing, whereupon the latter should respond, "Blessed be thou." Thereafter he should say: "For Thy salvation I hope, O Lord" (Gen. xlix 18); for the one who prays on behalf of his fellow man, has his own prayer answered first.

6. One who prays concerning a past occurrence, e. g. if one hear a cry in the town and he says: "May it be Thy will that this cry should not be in my house," is offering a vain prayer, for what has happened is a fact. Or if one's wife has become pregnant and after forty days from the time of conception, he offers a prayer and says: "May it be the Divine Will that my wife give birth to a male child," it is a vain prayer. Within forty days such prayer may be offered, for it is helpful. After forty days one should pray that the offspring be a viable child, good to the sight of Heaven and of benefit to humanity.

7. One who is about to measure his crops or the like, should say the following prayer: "May it be thy will, O my God, that thou sendest a blessing on this my heap"; having begun the measurements he should say: "Who art sending a blessing on this my heap," omitting the Divine name and title. After he has measured, should he then offer prayer this is a vain petition, because God's blessing is to be sought only in such cases where the result is invisible.

8. One whose son became Bar Mitzvah (i. e. he is thirteen years and one day old) should say the benediction "Blessed be he who has released me from the responsibility for this child" when his son has been called to the Torah for the first time and after he had concluded the second benediction over the reading in the Scroll of the Law. It is mandatory for one to prepare a feast on the day on which his son became Bar Mitzvah, that is, on the day when he has entered into his fourteenth year. If the lad deliver a Talmudical discourse on that occasion, it becomes a religious feast even if celebrated on another day.

9. If after a drought which caused general distress—although it happen in our land where the rain falls in its regular seasons and droughts are rare—there should be a rain fall that descends with such force that it runs off in bubbling streams, it is necessary to say certain benedictions.

10. What is to be said? One who is not the owner of a field should say: "We thank Thee, O Lord our God, for every drop (of rain) which Thou hast brought down for us and if our mouths were full of songs as the seas," etc., as far as: "And hallow and assign kingship to Thy name, O our King. Blessed art Thou, O Lord, God of many thanksgiving and praises." One who owns a field in partnership with another Israelite should say the benediction: "Who is good and dispenseth good," but if he have no Jewish partner, although he have a wife and children, he should say the benediction: "Who kept us in life." One may say the benedictions: "Who is good and dispenseth good," and "Who kept us in life," even if he should not see the rain fall, but he hears that it is raining. The benediction: "We thank Thee" should be said, however, only by the one who sees the rain descending.

CHAPTER LXII

Laws of Bargain and Sale.

1. It is necessary to be most careful not to deceive one's neighbor. He who deceives his neighbor, whether it is the seller who deceives the buyer, or it is the buyer who deceives the seller, transgresses a prohibitory law, for it is written: "And when ye sell aught to your neighbor or when ye buy aught from your neighbor, ye shall not oppress one another" (Lev. xxv, 14). And this is first interrogatory that a man is asked when brought to judgment: "Didst thou transact business honestly?"

2. Just as deception is forbidden in cases of buying and selling so is it prohibited with regard to hiring, contracts, or money changing.

3. If a buyer or seller be honest in his dealings, need not apprehend any deception. Thus he says: "This article I bought at this and that price, and this is the amount of profit I wish to make out of it." Although he had been cheated when buying that article, and anyone who has been deceived is not permitted to deceive others on that account, yet he is permitted to dispose of it, in this manner, as by his declaration he makes it clear that the purchaser should not rely on the price he asks to determine the value of the article, but he sells it according to the price he paid for it.

4. If one have something to sell, he is forbidden to make it look better than what it really is in order to deceive thereby; e. g. to give an animal bran-water which makes it swell up and makes its hair stand erect so that it seems to be fat and healthy. It is also forbidden to paint over old utensils so that they appear to be new; and all devices similar thereto are prohibited.

5. It is likewise forbidden to mix a little bad food with plenty of good food to sell the same as though they were good, or to mix inferior liquor with superior liquor. But if the taste of the mixed wine be recognized, the mixing is permitted for the purchaser will detect it.

6. A shopkeeper is permitted to give parched grain and nuts to children in order to accustom them to buy from him. He may also sell cheaper than the market price so that people buy from him and the other tradesmen cannot prevent this.

7. He who gives short measure or weight to his companion, even to an idolator, transgresses a prohibitory command of the Divine Law, for it is said: "Ye shall do no unrighteousness in meteyard, in weight, or in measure" (Deut. xxv, 16). The punishment of short measures and weights is very severe, for the transgressor cannot repent properly as he does not know how and to whom to make restoration. Even if he institute public charities it is not considered a perfect repentance.

8. It is written: "Thou shalt not have in thy bag divers weights, a great and a small; thou shalt not have in thy house divers measures, a great and a small, but thou shalt have a perfect and just weight, a perfect and just measure shalt thou have" (Deut. xxv, 15). The words "Thy bag" and "Thy house" seem superfluous in the text, and our Rabbis, of blessed memory, explained: "You shall have no money in your bag, on account of having divers weights; you will want the necessities of life in your house, on account of having divers measures. But if you will have a perfect and just weight in your house, you will have money; and so if you will have a perfect and just measure in your house, you will have all your necessities". Again said our Rabbis, of blessed memory: "What should a man do in order to become rich? He should transact his business with honesty and beg for mercy of the One to whom riches belongs; for it is said: 'Mine is the silver, and mine is the gold' " (Niddah 70b).

9. It is necessary to measure and to weigh with a generous eye, this means that one should give more than the exact quantity demanded, as it is said: "A perfect and just measure shalt thou have" (Deut. xxv, 15). The Torah said: "make it right from your own and give it to him."

10. It is necessary to measure according to the customs of the country and no deviation therefrom is permitted. Where it is the custom to give a "heaped" measure, one must not give a "level" measure even if it is done with the consent of the buyer who does not pay the full price; one must not give a "heaped" measure even if the seller consents, as where the buyer pays more money. For the Torah has laid down strict rules prohibiting incorrect measures lest a stumbling-block for others arise therefrom, for an onlooker may notice that the measure is in this wise and will think that this is the rule of the city, and in like manner will he give measure to another person, who is also ignorant of the custom of the place, and thereby he deceives him.

11. It is obligatory upon the communal leaders to appoint supervisors whose duty it should be to inspect the shops, and those who are found to have deficient measures or weights or irregular scales should be punished and fined as seems proper in their judgment.

12. It is forbidden to keep in one's house or shop short measures although he does not use the same, and if he does keep them he transgresses a prohibitory law, for it is said: "Thou shalt not have in thy bag divers weights, a great and a small; thou shalt not have in thy house divers measures, a great and a small." It is forbidden to use such a measure even as a necessary bed-room utensil, lest someone might use it in ignorance to measure therewith. If, however, it be the rule of the place that only marked measures, with a well-known mark, are used, and if this one be not marked, then it may be kept.

13. One who seeks to buy or rent property, be it real property, or

chattels of a heathen or of an Israelite, if the price was agreed upon although the sale was not yet completed, and some one else forstalled him and bought or rented it, the latter is called a wicked person. But if they had not yet agreed upon the price, for the seller asks so much and the buyer offers less, then some one else may buy it. One is forbidden to "remove his neighbor's landmark," i. e. to encroach upon his rights in the matter of hiring houses and the like from a heathen.

14. If one give money to his neighbor to purchase for him real property or chattels and the latter purchased the desired object for himself with his own money he is an impostor. But if the agent made the purchase with the principal's money, even if he intended to buy it for himself, it is his duty to give it to his principal.

15. If one had made a deposit on a purchase or had marked the article for identification in the seller's presence, or if the seller said to him, "Mark your purchase," even though he did not hereby acquire title to that article, nevertheless, if one retracts, be he the buyer or the seller, he does not act as becomes an Israelite, and he incurs Divine punishment, *i.* e., he is accursed of the court who says: "He who dealt out retribution to the men of the generation of the dispersion, and to the men of Sodom and Gomorrah and to the Egyptians who sank in the sea, may He deal out retribution to the one who does not abide by his word."

16. It is proper to abide by one's word even though he neither paid anything on account, nor did he put a mark upon the article, nor was the purchase completed, but if they merely agreed upon a price, neither of them may retract his agreement. He who retracts, be he the buyer or the seller, is considered to be one lacking honesty, and the spirit of our Sages finds no pleasure in him, for it is proper for an Israelite to abide by his word, as it is said: "The remnant of Israel shall not do injustice, nor speak lies" (Zeph. iii, 13). Furthermore it is the duty of the perfect to fulfill even the thoughts in his heart; thus if he thought and came to the conclusion that he would sell a certain article at a certain price, and the purchaser, not aware of it, offered him more, he shall only take that amount at which he had his mind made up to sell it to him, so that he fulfill what is written: "And speaketh the truth in his heart" (Ps. xv, 2). The same applies to the buyer if his mind was resolved upon buying it at a certain price, he shall not retract. This applies also to similar matters, appertaining to dealings between man and man, that he must fulfill his thoughts, e. g. if his heart was set upon doing a certain favor to his neighbor, he should not alter his determinations if he is able to do it. But whatever relates to one's own needs, he is not bound to fulfill even what proceeds from his mouth, as long as no performance of a precept is involved therein.

17. If one promised a small gift to his neighbour, who depended upon it, being sure that he would give it to him, if he retract his promise and fail to give it, he is likewse one of those who lack honesty; if, however he promises a large gift and retracted, he is not one of those who lack honesty, as his neighbour did not depend upon it; nevertheless at the time

when he said he would give it to him it should have been his genuine intention to do so, and it should not have been his wish to alter his intention. For to speak words that are at variance with one's thoughts is forbidden by the Torah, for it is said: "A just Epha and a just Hin shall ye have," and our sages hence inferred that your "yes" shall be just (note the play on words Hin and Hen), and your "no" shall be just. All this refers to a promise made to a rich man, but if he made the promise to a poor man, be the promise of a small gift or of a large gift, he is not permitted to retract for it is as though he made a vow. Even if he did not utter the promise but he only determined in his heart that he would give, he must fulfil his intention.

18. If one desire to sell some land or a house and two men come to buy it, each one saying: "I am willing to pay the price demanded," then if neither possess a field continguous to the land or the house, and if the one be a fellow townsman and the other man come from another place, the fellow townsman has the preference. If they were both fellow townsmen, and one is his neighbour, then the latter has the preference. If the other person were his friend who visited him whereas the neighbour did not, then the friend has the preference. If one were a friend and the other a relative, then the friend has the preference, for it is said: Better is a near neighbour than a distant brother" (Prov. xxvii, 10). With reference to all other people a relative has the preference, except to a scholar who enjoys a preference, even with regard to one's neighbour or a friend who is on visiting terms. If one of the two in question happened to possess prosperity continguous to the property offered for sale, he takes precedence before all others. Even after he had already sold it to another, the adjacent owner has a right to refund the money to the buyer and make him relinquish that property. Even if this buyer were a learned man or a neighbour or a relation of the seller, whereas the adjacent owner might be an illiterate person and not related to the seller, nevertheless he enjoys the preference and can make the purchaser relinquish the property. All of the above rules of preferences were laid down by the sages in order that the following law may be fulfilled: "And thou shalt do whatever is just and good in the eyes of the Lord" (Deut.)

CHAPTER LXIII

Laws Prohibiting Wrong Done by Means of Words.

1. Just as wrong is forbidden to be done by means of buying and selling, so is it forbidden by means of words, as it is said: 'Ye shall not wrong one another; but thou shalt fear thy God" (Lev. xxv, 17), this refers to the "wrong by means of words." This crime is more serious than the sin of pecuniary imposition, for the latter amends can be made, but not for the former. Again the latter affects one's money, but the former one's person; and he who cries to God on account of wrong done by means of words, is answered forthwith. One must be very careful not to wound his wife's feelings through words, for a woman is soft hearted and weeps over a trifle; the Lord heeds tears, for the gates of tears are never locked.

2. How can wrong be done by means of words? Thus a man should not say to his neighbour: "At what price will you sell this article when he has no intention to buy it. If he sought to buy produce, one should not direct him to go to a certain person, when he knows that such person has no produce to sell him. If one's neighbour were a penitent he should not say to him: "Remember thy former deeds!" If afflictions befell one's neighbour, God forbid, he should not speak to him like the comforters of Job who said: "Is not thy fear (of God) thy confidence? I pray thee, who ever perished being innocent?" (Job iv, 6, 7). If one is asked regarding some learned discussion, he should not say to one who is ignorant thereof: "What is your opinion?" The same applies to all such forms of speech, which might hurt the person addressed.

3. If one have an opprobrious nickname, although he be accustomed thereto and is not put to shame thereby, if another person intend to insult him thereby it is forbidden to call him by the nickname on account of it being a wrong done by means of words.

4. It is forbidden to deceive (even by mere words and no loss results therefrom) any human being, even an idolator. Therefore it is forbidden to sell him, the heathen, meat of an animal which is not ritually slaughtered as though it had been lawfully killed. If one sell an article possessing some imperfection although it be worth the price asked for, it is nevertheless obligatory upon him to notify the purchaser of its imperfection. (In the case of a gift no question of deception can arise.)

5. One should not ask his neighbour to dine with him when he knows that he will not do so, nor should he make a present to him when he knows that he would not accept it. And in all such similar cases where one expresses something with the tongue and does not really mean it, as when one seemingly pays honor to his neighbor, which is far from his real intention, this conduct is forbidden. One should always let the mouth and heart correspond, thereby cultivating truth, uprighteousness and purity of the heart.

CHAPTER LXIV

Laws Dealing with the Prohibition of Trading in Forbidden Things.

1. Any article the eating whereof the Torah has forbidden, while one is permitted to enjoy its use, if it be an article used solely for food, it is forbidden to deal therein, or to lend money thereon, or even to buy thereof in order to feed heathen laborers therewith. If it be something not designed for food, such as horses and asses, it is permitted to deal in the same. To deal in the fat (of the beast not ritually slaughtered) is allowed, as it is said concerning the same: "It may be used for any other service" (Lev. viii, 24.)

2. If one happened to acquire a forbidden article (of food), e. g., if, when fishing, he caught a ritually unclean fish in his net, or if he had found in his possession a beast that died of itself or which was torn of

beast, he is permitted to sell them, since it was not his intention to acquire it in this state. But he should sell it (the living forbidden animal) immediately and he should not keep it in his possession until it becomes fat. He may also sell them through an agent although the latter will profit thereby, but the agent may not buy them on his own behalf, as this would be considered traffic for own benefit.

3. It is also permitted to levy on unclean things for one's claim, but he should sell them at once and not wait to derive profit therefrom. He is, however, permitted to keep them long enough so as not to suffer any loss on his capital.

4. He is, however, permitted to trade with an article, the consumption of which is forbidden by the Oral Law only, e. g., the cheese of gentiles.

CHAPTER LXV

The Laws Concerning Usury.

1. It is the nature of man to long for and desire the acquisition of wealth, and it is therefore more likely that a man would be caught in the snare of usury than any other illegal transaction involving gain. In cases of robbery, deception and the like, a man is careful not to allow himself to be robbed or deceived; the one intending to rob or deceive his neighbour, too, at times abstains from doing it because he is either ashamed or afraid. This, however, is not the case with usury, for the borrower gives it with his good will, and he is happy that he could find a person from whom to borrow even on usurious terms. The lender too, is under the impression that he is doing a great favor to the borrower who could, by means of this loan, profit many times over the amount of the interest. Therefore it is very easy that a man should, God forbid, allow himself to be persuaded by evil inclinations, and be caught in the snare of this prohibition. For this reason our Holy Torah is very stringent about this prohibition, and there are found many prohibitory laws relating thereto. He who lends on interest transgresses six prohibitory laws and will not rise at the resurrection of the dead; as it is said: "He hath given forth upon usury and hath taken interest: shall he then live? he shall not live" (Ezek. xviii, 13). The borrower transgresses three prohibitory laws; the scribe, the witnesses, and the broker who negotiated the loan, also the one who was instrumental in bringing about the loan, as when he pointed out to the borrower where to borrow or to the lender when to lend, all these transgress one prohibitory law.

2. He who has transgressed and has taken interest is bound to return it.

3. Even though at the time of lending the money he did not fix the rate of interest, as when he lent the money free of charge until a fixed time, or if one sold to another certain wares on credit for a certain time,

or if in some other way one becomes responsible for the payment of certain debts, and when the fixed period for payment arrives, the debtor stipulates to give the borrower something for forbearance, this is also considered usury.

4. Even if the borrower of his own free will, give to the lender extra payment when the loan becomes due, which had not been arranged and without saying that he gives it as interest, this is also forbidden.

5. Even if the borrower, when paying the interest, declare it to be a gift, it is forbidden to accept the same. But if he had accepted from him the interest and if the lender repented and wished to make restitution and the borrower refused it, tha former is permitted to retain it.

6. It is forbidden to give interest either in advance of, or subsequent to the loan. As for instance, if Rueben desires to borrow money from Simeon and previous to negotiating the loan he sent to Simeon a present with the explanation that he does this in order that he should make him a loan; or if he made him a handsome present without explanation, and it is quite evident that he did so in order that he should make him a loan, this is interest in advance. If Reuben borrowed from Simeon and repaid the loan and then made him a present, as compensation for the time during which the money was in his possession, and therefore useless (to the lender), this is subsequent interest.

7. If one lend his neighbour a certain sum of money for a certain time, with the understanding that the latter should afterwards reciprocate by lending him for the same period a larger amount or the same amount for a longer time, this is unqualified interest. If one lend his neighbour a certain amount for a certain time with the understanding that the latter should afterwards reciprocate by lending him a like amount for the same length of time, some forbid it while others allow it; but it is best to adhere to the stricter opinion. But if no agreement has been made to that effect and the former borrower of his own free-will lends the former lender, although he does so on account of the previous loan, this may be permitted.

8. The lender should be careful not to derive any benefit through the borrower without his knowledge during the entire time of the loan, even if it be something that the borrower would let him enjoy even though no loan had been made. If the lender derived some benefit without the sanction of the borrower it appears as though he relies upon the fact that the borrower has his money and therefore he will not mind. However, with the borrower's knowledge, the lender may enjoy that which the borrower would have him enjoy had the loan not been made, provided it be not of a public nature.

9. If the borrower had not been accustomed to greet the lender in the past, he must not do so now. He must not show him any special honor in the synagogue or elsewhere if he had not been accustomed to do so in the past. All kinds of attention on account of a loan, even by word of mouth, are forbidden, for it is written: "The usury of anything (*dabar* also meaning *word*) that he will lend on usury," even usury in the nature of

words is forbidden. The lender must avoid gaining any benefit from the borrower even through mere words; e. g., if he say to the borrower: "Let me know if so and so should come from such and such a place." Even though he does not trouble him more than to speak a few words, if he had not been accustomed to request such a favor from him previously, and now he bids him do this or do that on account of the loan and the obligation he is under, such conduct constitutes usury and is forbidden. And if you will say: "Behold, it is written: 'And the borrower is servant to the man that lendeth' (Prov. xxii, 7)." This refers only to a case where a controversy arose between them, and the lender says: "Let us go to the High Court for trial there," and the borrower says "Let us try our case in the local court," then the borrower is obligated to do the will of the lender, but the lender is not obligated to go to the High Court of any other locality, for it is said: "And the borrower is servant to the man that lendeth."

10. The lender is forbidden to derive any advantage, even though it be not of a pecuniary nature, from the borrower; e. g., if the lender be a workman and the borrower is not accustomed to give him work, only now because of the loan he desires to do so, this is forbidden.

11. It is forbidden to lend another a measure of grain on the condition of having the loan repaid thereafter with a measure of grain, even if both be of the same kind, for perchance, in the meantime, the price may have advanced and he consequently returns to him more than he borrowed. In such a case a money valuation should be placed upon it, so that even if there be an advance in the price of the grain, he must repay him only that amount of money at which it was originally valued. If however, the borrower possess only a small quantity of the kind he desires to borrow, he is permitted to borrow many *khors* of the same kind. If a certain kind of produce have a fixed market-price, one is permitted to borrow even if he have none of it. All this relates to lending produce of the same kind, but it is forbidden under any circumstances to lend a measure of wheat and to receive in return a measure of millet, although both are sold for the same price and the lender has some millet in his possession. It is, however, under all circumstances permissible to lend a small article about the price of which people are usually not concerned, whether it advances or decreases; a woman is therefore allowed to lend a loaf of bread to her neighbour.

12. If one lend money on the pledge of a house or a field or a seat in a Synagogue, and if the lender have also the usufruct of that pledge, then this income should reduce the debt, i. e., a fixed amount should be deducted yearly from the debt which should be considered as the rent paid by the lender, and they are permitted to stipulate the payment of a smaller amount than the actual rental value The lender, however, should not reverse the arrangements and rent it to the borrower. Relating to the laws of pledges there are many diverse opinions, and therefore one should consult a sage when desiring to do so.

13. One must not sell an article which has a fixed price above its value for the reason that credit is extended; but if it have no standard price, although if bought for cash he would sell it cheaper, or if he sold

it on credit it would cost a little more, this is allowed provided he does not advance the price to such an extent that it is evident to everybody that this increase is on account of being sold on credit. Even if he does not advance the price very much, but he distinctly says, "If you pay me ready cash it costs ten coins, but if on credit it costs eleven," this is forbidden. The purchaser is also forbidden to buy the merchandise above the market price in order to sell it immediately at a loss so as to have ready cash for some time at his disposal.

14. One is permitted to sell to another person a note which he holds against his neighbour at less than its face value even before the date of payment, and the seller should write to the buyer: "I hereby sell and transfer to you this note and all that it implies." The note must be accepted at the risk of the buyer with the exception of such risk for which the seller is responsible, e. g., if the note were paid or the like, whereupon the seller is responsible. Just as one can sell such a note at less than its value to another, so can he sell it to the actual borrower.

15. In this manner one can avoid the peril of taking interest, e. g., Rueben, who requires a loan in Nisan, goes to Simeon who gives him a note whereby (Simeon) undertakes to pay Rueben one hundred gold coins in the month of Tishre, (and in consideration thereof Rueben gave Simeon a note to the effect that he holds himself bound to repay one hundred gold coins in Tishre so as to cover Simeon against loss). Rueben may now sell to Levi the note given by Simeon for ninety gold coins. (Much more so may this course be pursued if Simeon have a note, whereby Judah is responsible to repay him at a fixed period at some future date, which he can sell to Rueben on credit till that period and Rueben may give a note to that effect. Then Rueben can sell the aforementioned note for as much as he can get). Rueben is, however, not allowed to write a note, payable to himself, and sell it to Simeon even through an agent.

16. It is forbidden to buy produce or any other object by paying the money in advance and agreeing that the produce be delivered at some future date, as we apprehend that in the meanwhile the price of the produce may advance, and when later he has to deliver the produce the purchaser will receive more than the value of his money owing to his having paid in advance. If, however, the seller should have all the produce when he stipulates to sell it, although he will not deliver same to the buyer until some time has elapsed, this is permitted; for what a man has in his possession he may sell, even at a very low price as he sees fit. Even if the produce were not quite in perfect condition as it ought to be, but it still requires one or two processes of labor, to make it perfect, nevertheless it is

held to be in perfect condition and its sale is permitted; but if it still require three processes of labor, it is forbidden.

17. If the market-price of produce were fixed, one may buy according to this rate by paying in advance, although the seller has none in stock, for even if the produce became dearer thereafter the buyer does not derive any profit by having paid in advance, since he could buy the produce then with his money at this price. And since he had fixed the bargain according to law, although the produce became dearer when it had to be delivered and the seller does not wish to give it to him at the fixed price, he can take instead some other merchandise which the seller may offer him, or the seller can give him the money value at the present price of the produce.

18. If one have merchandise which can be sold at a cheap price at one place and at a dearer price at another place, and his neighbour says to him: "Give it to me and I will take it to that place (to obtain the better price), and I will sell it there and I will use the money for my own purpose until such and such date when I will refund the same to thee according to its value as sold there, after we have allowed for the expenses incurred in selling the goods," then if the risk in transit were taken by the neighbor, the transaction is prohibited, but it is permitted if the seller take this risk, and he must then give the neighbor some reward for his trouble.

19. One is permitted to lend his fellowman one hundred Dinars to buy goods therewith in the market, and after they return home the borrower may give the lender one hundred and twenty Dinars for the same, provided the lender received the goods and took them to his home and the risk in transit be undertaken by the lender, for then it is as though he had a share in the profit of the transaction, and consequently he takes the risk.

20. Simeon can say to Rueben who is going to a place where they sell goods cheaply: "Bring me goods from that place and I will give thee so much profit"; this is permitted provided the risk in connection with the goods be undertaken by Rueben until he had delivered the same to Simeon.

21. It is permitted to increase the rent of realty. How so? If one let a court to another saying to him before he took possession: "If thou wilt pay me the rent immediately it will be ten gold coins per annum, and if you pay monthly thou wilt pay me one gold coin per month," this is allowed. The reason is as follows: Because according to law rent is only due at the conclusion of the period of tenancy. Therefore when he receives a gold coin every month, which is twelve coins per annum this is not an extra consideration on account of waiting for the money, because

the tenant is not obliged to pay the rent in advance. And as regards the proposal: "If thou wilt pay me immediately it will be ten gold coins," he gives him the benefit of the two gold coins because he pays before payment falls due, and such a transaction is permitted.

22. Only in hiring realty is it permitted to increase the rent in the aforesaid manner, because title to the realty is acquired by the buyer immediately, but to increase the wages of a workman in this manner is forbidden; e. g., if one engage a workman to do some work for him after a certain time, and he gave him his wages in advance the day before he begins to work, and because of this he is willing to do the work at a cheaper rate than it is really worth. This is forbidden, since the workman is not employed then, it is as though the money received by him then is in the nature of a loan. Nevertheless if the workman began his work immediately there and then, although he will not complete the work until many days have elapsed, it is permitted to give his pay in advance in order that he may work at a cheaper rate, as it is then considered as wages and not as a loan since he has commenced his work immediately.

23. It is permitted to increase the dowry of the bridegroom. Thus if one fixed a certain sum for his daughter's dowry and made an arrangement with his son-in-law that he would give him so much income yearly as long as he had possession of the dowry. This is permitted, for this is merely like an addition to the dowry, and it is as though he said to him: "I will give thee a present of so and so much at such and such a time, and if I fail to do so I will add to the dowry so and so much," such an agreement is permitted. The above is valid provided they agreed thereto at the time of writing the marriage settlement, for until that time there was no obligation to pay anything, and therefore it is all considered as one liability. But if at the time of writing the marriage settlement he became liable for a certain sum as dowry, and later at the wedding ceremony they agree to come to a different settlement, namely to give the son-in-law something in consideration of forbearance, this is prohibited; and it must be done in a legal manner.

24. If an Israelite borrow money from a heathen on interest and another Israelite became surety, then if it be of such a nature and circumstance that the heathen can only claim the debt in the first instance from the borrower, and only when he cannot collect from the borrower, he will collect it from the surety, such a loan is permitted. If, however, the nature of the loan is such that the heathen can in the first instance claim it from the surety, so that it would appear as though the surety had been the borrower and then he had lent it to the other Israelite on interest; such a loan is forbidden. If a heathen borrow money from one Israelite on interest and another Israelite is surety, therefor if the circumstance be such that the lender can only claim the debt in the first instance from the heathen who is the borrower, and then if the money cannot be obtained from him it can be taken from the surety, it is permissible. If, however, the circumstances be such that the lender could also in the first instance claim the debt from the surety, then the latter is considered as though he had been the borrower, and the loan is forbidden. If the Israelite be surety only as regards the capital and not for the interest, it is permitted.

25. If a heathen say to an Israelite: "Borrow money on my behalf on interest from an Israelite on this security," or even if he should not give him any security except a promisory note, and the lender relies solely on such security or on the note of the heathen, and no risk is attached to the intermediary, such a transaction is allowed. Even if the Israelite who was the intermediary, should transmit the interest to the lender, the latter is permitted to accept it; provided the lender had definitely understood that all the risk connected with the security and the money, whether in transmission to the borrower or vice-versa, is his own, and the intermediary incurs no risks of any kind in the transaction.

26. The same law applies to a case where an Israelite who has given security or a note to his companion, who is an Israelite, that he should borrow on this for his use money on interest from a heathen, and if the latter should rely only on the security or the note without making the intermediary in any way responsible, it is permitted. If the Israelite, who in the first instance lends to another Israelite, his friend, upon the security of a pledge should say to the lender: "Borrow money from a heathen on interest on this pledge, and I will be responsible for the payment of the capital and interest," if the heathen rely solely on the pledge alone, this is permitted.

27. If an Israelite lent money on interest to a heathen on a pledge at so and so much a month, and thereafter the lender came to another Israelite and asked him to lend him money on this pledge and receive from the heathen the interest which will accrue from that day until repayment, this is permitted. But if the first mentioned Israelite had already settled the capital with the interest for the whole period of the loan, then the entire sum forms part of the capital of the Israelite, and it is forbidden to borrow on this from a fellow Israelite on interest, for it is as though he gave the interest from his own pocket.

28. If the money of an Israelite were on deposit with a heathen and the latter lends the same to an Israelite on interest, if the heathen were responsible so that if the debt became a loss he would be bound to pay with his own money, this transaction is permitted; but if he accepts no responsibility, it is not permitted. Therefore in places where there are savings banks or other companies, where there are some Jewish shareholders, and Jews borrow money from them on interest, although the managers are non-Israelites, nevertheless it seems to me that it is an absolute violation of the law. It is therefore not permissible to either deposit money in such banks or even to borrow money from them, lest an impious Israelite did perchance deposit his money there.

29. Partners who require to borrow money on interest from a heathen should consult the ecclessiastical authorities how to act.

30. It is prohibited to borrow money on interest from an apostate, and to lend him money on interest should also be avoided.

CHAPTER LXVI.

Rules Concerning Business Partnership.

1. If one advance money to his neighbour to do business therewith, on condition that the profits and the loss be shared equally, this is termed *iska*, and is forbidden; because half the money is like a loan in the hands of the trader for which he is responsible and out of which he receives the profit, and for which he is responsible in case of loss. The other half (of the money) is considered a deposit in his hands, because the risk attached thereto is undertaken by the investor, who has the profit arising from this half and has to bear the loss therefrom. The reason the trader does the business with this half which is a deposit and which belongs to the investor, is because the latter had lent him the one half as a loan. Such a transaction is considered to be of the nature of interest and is therefore forbidden. There is a method of legalizing the transaction as follows: if the investor gives the trader some remuneration on account of his work and trouble in connection with his (the investor's) half, and this remuneration is stipulated for or it is paid at the time when he gives him the money. Even a small remuneration in such event suffices.

2. They (the above parties) can agree that the trader's statement should not be accepted as true, should he claim that he has lost part of the capital, unless he proves it by the testimony of trustworthy witnesses, nor is he to be trusted as regards the amount of the profit unless he take an oath.

3. They may likewise agree that it is optional with the trader, should he prefer it, to give the investor a fixed sum in lieu of the profit due him and that any surplus should be his (the trader's). This method is proper, for it is to be assumed that the trader does not wish to take an oath, and he will give the investor the amount stipulated by them. This is the (so called) "instrument to trade on shares" in vogue among us. Even if the trader knows that there was no profit, or even if there was a loss, he can still give the investor his capital together with the profit agreed upon by them. No prohibition whatsoever can arise in this case, because owing to the fact that he is liable to take an oath, he can release himself from such obligation by paying the money.

4. The trader is forbidden to unconditionally purchase the share of the investor's profit at a fixed sum, so that he would be obliged to give that amount in due course, under all circumstances. The trader in such case must have the option (referred to in the previous section).

5. If one give money to another for business for a certain time and the money was not returned after the time limit, then the trader must give the investor a profit for the extra period, because it is presumed that the money remained in his possession on the terms originally agreed. The best plan is to immediately write in the "instrument to trade on shares" that

if the money remain in the hands of the trader after the time limit the conditions set forth should continue to hold good thereafter.

6. The text of the "instrument to trade on shares" is as follows: "I, the undersigned, admit that I have received from N. N. the amount of one hundred gold coins to do business therewith for half a year from the date mentioned below, and I hold myself liable to purchase for the sum mentioned above such genuine merchandise as should seem to me to be especially suitable for the purpose of profit. This money takes precedence before my own money. As regards all the profit which Providence may give to me in connection with that merchandise, half thereof shall be mine and half should belong to N. N., and so with loss, God forbid, in equal shares. As soon as the half year, from the date below, expires, I am bound to return to N. N. aforementioned the capital and half the profit. I shall not be entitled to be believed if I say "I have had a loss", unless it be corroborated by two trustworthy witnesses, and as regards the profits I am only entitled to credence on oath. It is moreover expressly stipulated that if I desire to give N. N. ten gold coins for his share of the profit, then he can have no further claim against me, and the balance of the profits shall belong to me only, even if it be evident that there is considerable profit. All the terms of the agreement in favor of the one on whose behalf it is drawn apply also after the term of the expiration mentioned therein, and as long as I have not returned the aforementioned coins they remain in my hand for the purpose of the business in the manner aforementioned. I have received the remuneration for my trouble.

.....(Signature)

Place and date. Signed in our presence.

.....(Signatures of witnesses)

7. If there be not time to write the "instrument to trade on shares" it is permitted to agree orally to all the aforementioned conditions.

8. If one invest money on merchandise, the instrument is to be written in the following manner: "I, the undersigned, asknowledge that I have received from N. N. of..... the sum of one hundred gold coins to trade therewith with reference to the goods which I hold in ..... until the 1st of Nisan next, and the profit accruing to the account of the money after deducting all expenses shall be divided, half thereof for me and the other half for N. N. Likewise if there be a loss, the same shall be shared. On the 1st of Nisan next I shall be bound to promptly restore to N. N. aforementioned the capital and interest belonging to him. I shall not be entitled to credence if I say I have suffered a loss until it be clearly corroborated by two trustworthy witnesses, and with reference to the profit I shall not be entitled to be believed except on oath. It is further agreed between us that if I desire on the 1st of Nisan

next to give to N. N. aforementioned in consideration of his capital and his share of interest five measures of spirit, then he shall have no further claim against me.

All the terms of the agreement in favor of the one on whose behalf it is drawn apply also after the term of expiration mentioned therein, and I acknowledge having received the remuneration for my labor.

.....(Signature)

Place and date. Signed in our presence.

.....(Signature of witnesses)

9. If the investor desire that the trader should give him a note showing his indebtedness, simple and binding according to the law of the land, in order that if the trader declined to pay when the term expires or if he should die, it would be easy for him to secure repayment of his money in the courts of law, but they agree orally that this money is subject to trading on shares, it is not valid. Even if the note refer to the capital only, but since the investor can collect all the money by means of the instrument of indebtedness which he holds, even if there be a clear loss, such a transaction is forbidden. Even if the trader trusts the investor, being a respectable person, nevertheless this is of no avail. Furthermore, if the trader give the investor also "an instrument trading on shares" wherein it is written that the aforementioned instrument of indebtedness is subject to the partnership agreement, this likewise is of no avail for there is apprehension lest the investor or his heirs should thereafter conceal the partnership agreement, and collect the money by means of the bill of indebtedness. The only permissible course of action is to triplicate the partnership agreement and to deposit a copy with a trustee, or the investor should sign this agreement and the borrower should keep it, and both parties should write upon the bill of indebtedness that it is subject to the conditions set forth in the partnership agreement, or at least they should have witnesses to the effect that the bill of indebtedness is subject to the partnership agreement. In all these cases it is permissible even if the capital with the profit is included in the bill of indebtedness.

10. An "instrument trading on shares" is useless as a means of enabling a transaction to take place, unless it is a fact that the trader receives the money to do business therewith, but if he takes the money merely to pay off a debt or the like than the partnership agreement is useless since it is untrue. The transaction can, however, be carried through in this manner: thus if A, who needs the money, has certain goods even in another locality, he can sell the same to B even at a very low price, on the condition that the option lies with A that if he had not delivered the goods to B by such and such a date, he can pay him so much instead thereof (so that B will have the usual profit). Then B can give the money required to A, and they should make a symbolical agreement so as to make the transaction binding, that is to say B the buyer should offer a portion of his garment to A to take hold of the same, and by this symbol-

ical act he purchases the goods of A, even though no witnesses be present, and the goods are at the risk of B, the buyer.

11. If A who owes money to B, and when the time of repayment arrives, A has no money and he settled with B that he should wait a little longer, in this case an "instrument trading on shares" is of no use. But A should sell to B some goods which he has, as provided for in the preceding section and B should restore to him the bill of indebtedness which he formerly held, and A should give him a deed with reference to the goods which B has bought of him in the manner aforementioned.

12. If an Israelite give to his companion a beast to rear on the condition of their subsequently sharing the profit, the same law applies as in the case of lending money to trade on sharing profits.

CHAPTER LXVII.

Laws Regarding Vows and Oaths.

1. One should not become accustomed to making vows. Every one who makes a vow is as though he had built a high place when it is forbidden to do so; and any one who fulfills such a vow is considered as though he had offered upon the high place, and thereby incurred guilt for offering a sacrifice outside the Temple, for it is best to consult the wise who should annul the vow. This applies to ordinary vows, but one is compelled to keep vows of consecration for it is written: "I will pay my vows unto the Lord" (Ps. cxvi, 18), and one should not consult the wise concerning them, except in a case of necessity.

2. One should likewise keep aloof from taking an oath, but if one had transgressed and did take an oath concerning any matter, he should not consult the wise regarding its annulment for he is obliged to fulfill it, even if it cause him distress, for it is written: "He that sweareth to his own hurt and changeth not," and thereafter it is written: "He that doeth these things shall never be moved" (Ps. xv, 4, 5). One should not consult the wise regarding the annulment of an oath except in case of necessity.

3. It is necessary to avoid making a vow in regard to any matter. It is not good to vow, even for charity, but if one desire to give something which he has in his possession, he should give it forthwith, otherwise he should wait until he has it and then he should give it without any vow. If a call be made for charity and one is obliged to contribute in common with others, he should, when offering, expressly state that he is not making a vow. At memorial service, where it is usual to make charitable offerings, one should say, "I am not making a vow." When one is in distress, he is permitted to make a vow.

4. If one resolve to fix a certain time for the study of the Torah or to observe a certain commandment and he is afraid that he will thereafter relax in his exertions in this matter, or if he fear lest, incited by passion, he might do something which is forbidden or he might be prevented

thereby from observing one of the commandments, he is permitted to fortify himself by making a vow or by taking an oath. For, Rab said: "Whence do we infer that it is proper to take an oath for the sake of fulfilling zealously a command, although every one is under oath from the time of the revelation? From what is said: 'I have sworn, and have confirmed it, to observe Thy righteous ordinances'" (Ps. cxix, 106). Even if, when making a resolution, one merely make a simple declaration, he is obliged to keep it. One should therefore take care, when he resolves to do a good thing or to adopt a certain good practice, to say that he does so without making a vow. This is likewise a good rule for a person to observe even when saying that he will do something which is optional, so as to obviate transgressing the sin of violating one's vow.

5. One who has made a vow in order to improve his conduct is zealous and praiseworthy; e. g., if one be a glutton, and he vows that he will not eat meat for a certain time, or if he be intemperate and declares that he will not touch wine or other intoxicating spirits, or if one who allowed himself to be conceited or proud on account of his good looks, and to correct this folly he takes upon himself to be a Nazarite, or the like, in all these cases these vows are for the worship of God and concerning this our Rabbis, of blessed memory, said: "Vows are a help to self control." Nevertheless one should not accustom himself to take even such vows, but one must strive to conquer one's passion even without a vow.

6. A vow is not effective unless the lips and heart (of the speaker) are in harmony, but if one made a vow in error, that is, he uttered with his lips a vow that he had no intention of making, or he thought of making a vow but he did not utter it with his lips, it is not considered a vow.

7. If one had accustomed himself to strictly observe certain practices the law permits, but which he has voluntarily assumed that they should serve him as a help and protection for self-control, e. g., fasting during the ten days of Penitence, or abstaining from meat and wine from the seventeenth day of Tammuz to the ninth day of Ab, or practices similar to these, even if he thus conducted himself but once, but he had it in his mind to make a rule thereof, or if he had thus conducted himself three times, although he did not resolve to make a rule thereof, if he had not stated that he was doing so without making a vow, and he desire to change his custom owing to his ill-health, he requires absolution of his vow. He makes the opening remark (to those who will absolve him) by declaring that he regrets that he had acted as though he had made a vow. Therefore if one desires to adopt a strict observance of some law, that should serve him as a help to self-control, he should first say that he does not adopt it by a vow. He should furthermore say that it is only for this occasion or for any other time when he will desire to act, and that he has no intention of making a regular practice thereof.

8. How are vows or oaths to be annulled? The one who had made the oath, goes to three men who are learned in the Torah, and at least one of them must be an expert in the laws concerning vows, in order that he may know what kind of a vow may be annulled and what kind may not be annulled, and in what manner they may be annulled, and these men absolve him. One who makes a vow in a dream should be absolved thereof, preferably by a body of ten men who are learned in the Torah.

9. Although with reference to all the precepts in the Torah a male child is not considered of age until he is thirteen years old and shows signs of puberty, and with regard to a female child the age is twelve years, yet with reference to a vow or an oath they both become responsible a year earlier (than the aforementioned ages). Thus a male child who had reached the age of twelve years and one day and a female child of eleven years and one day, even though they lack the signs of puberty, but if they understood in whose Name they make the vow or take the oath, their vows and their oaths are valid. But when at less than the above age, although they have understanding, their vows are of no account. They should, nevertheless, be reprimanded, and taught not to accustom themselves to make vows or to take oaths. But if the vow be of a trivial nature, not entailing (by the fulfillment) any physical suffering, they should be compelled to keep it.

10. The father may annul the vows of his daughter until she reaches the age of twelve years and six months, if she be unmarried. The husband may annul the vows of his wife. How are the vows annulled? He says three times: "It is invalid" or "null and void" or he uses some other expression which indicates that he has entirely abrogated the vow, it being immaterial whether he had said so in her presence or not. But the expression declaring "that which was forbidden to be permitted" does not apply to a father or a husband. Moreover they can only declare the vow void during the day they heard it declared. Thus if they heard the vow pronounced at the beginning of the night they can declare it void during the whole night as well as the day following. If they heard it by day just before the time when the stars became visible, they can declare it void only until the appearance of the stars, thereafter they cannot annul the vow. On the Sabbath he must not say to her "it is null and void for thee" as on week days, but he should annul it in his mind and say to her: "Take and eat" or use similar expressions. If the father, or the husband first expressly says that he is satisfied with the vow, or if he had not explicitly said this but he used such language which indicated that he was satisfied, or even if he only thinks that he is satisfied with her vow, he cannot then annul the same.

11. What vows can the father or husband annul? Only such as involve physical suffering, e. g., to abstain from washing, or ornaments or cosmetics or rouge, and the like. The husband can annul even such vows which do not involve physical suffering if they refer to private matters be-

tween husband and wife and might provoke hatred between them. These last mentioned vows, however, can be annulled only as long as she lives with him, but if she became a widow or was divorced she is bound to abide by the vows.

CHAPTER LXVIII.

The Law Regarding the Prayer for a Journey and other Matters to be Observed when Traveling.

1. One who goes on a journey, whether from his home or from the place where he lodged over night, or on his return from his journey, as soon as he has gone beyond the outskirts of the city, i. e. seventy cubits beyond the last house, should say the prayer for a journey, namely: "May it be Thy will, O Lord our God, and God of our fathers, to suffer us to walk in peace" etc. The prayer is said in the plural except in the phrase "And let me obtain grace". It is proper to say the prayer after one had traveled two thousand cubits (i. e. a mile) beyond the outskirts of the city; and when he is traveling and has lodged over night in any place, he can say it in the morning before he resumes his journey.

2. The prayer is to be said only when one travel at least a parasang (four miles). It is proper that one should say it in the first instance during the first parasang. If he should forget to do this, he can say it as long as he is traveling, provided he had not yet reached the last parasang near to the city where he intends to spend the night.

3. This prayer should be recited immediately after another benediction. Therefore if one go forth on a journey in the morning, and on the road he reads the morning prayers, or if he had lodged over night, when on his journey in a certain place (when he can say this prayer before he resumes his journey), if he says it before the morning prayers, he should say it after the benediction "Who bestowest loving kindness upon Thy people Israel". If he set forth from his house after he had said his morning prayer, he should eat or drink something on the road and say the concluding benediction, or Grace, and then say the prayer for the journey, or he should respond to nature's call, say: "Who hath formed" etc. and say the above prayer immediately after.

4. It should be said whilst standing, if one be riding or travelling in a conveyance, and if it be possible to let the animal drawing the same stand still he should do so, because one riding an animal is considered to be like one who walks. If it be not possible to let the animal stand still, he should say it whilst riding.

5. It should be said only once daily whilst travelling, but if he rest in a certain place for the purposes of staying there overnight and then he changed his mind and went away thence to reach another place or to return to his home, he should say it again. If he travel by day and by night or if he spent the night in an uninhabited place, on the first day he should say the prayer to the end, but on the other days he should say

it without the concluding benediction, for as long as he does not spend the night in an inhabited place, it is considered as one uninterrupted journey.

6. Before going on a journey one should give charity for it is said: "Righteousness (charity) will walk firmly before him, and will make level the way by the steps" (Ps. lxxxv, 14). He should bid farewell to the leaders of the community so that they may bless him, wishing him a successful journey, and if possible he should get some of them to accompany him a little way. One who accompanies his companion must stand still while the latter departs from him until he disappears from his view. The people who bless a person going on a journey should not say to him: "Go in peace" but "Go towards peace". For when David said to Absalom "go in peace" the latter was hanged, and when Jethro said to Moses "go towards peace," the latter succeeded. When travelling one should meditate on the Torah, as it is said: "And when thou walkest by the way" (Deut. vi, 7). He should say devoutly and humbly a few psalms daily. He must be careful to take bread with him even if he be going to a place in his vicinity. He should also take extra fringes with him, lest one of his fringes become unfit for use and then he would be interrupted in the performance of a religious duty. A person should always enter a place whilst it is still day and also go forth during day time; i. e. when he wishes to come in an inn for the night, he should go in while the sun is still shining, and on the morrow he should wait for sunrise and then set out on his journey, which will then be prosperous, as it is written: "And God saw the light that it was good" (Gen. i, 4). One should not eat much whilst travelling.

7. It may be necessary to make inquiries concerning his lodging to ascertain if the owner and his household be trustworthy. If he desire to eat meat in a place which is unknown to him, it is necessary to investigate carefully the reputation of the ritual slaughterer and to inquire concerning the authority who superintends the ritual slaughterer, for owing to our many sins this violation is common, and the wise will take it to heart. The more so is this true concerning wine, in which case the number of violations has increased and therefore proper investigation is necessary.

8. When saying the morning prayers while on a journey he must enwrap himself in a large *tallith* just as he would do when praying in the Synagogue, for the *arba' kanfos* lacks the proper size of a *tallith*. If he were walking on foot, then when he says the verse "Hear O Israel," etc., and the words, "Blessed be his name whose glorious kingdom is for ever and ever" he must stand still in order to pray with devotion. If he ride or sit in a vehicle, he can say this prayer as he is situated, but he must stand still to say the *'amidah*. If he be pressed for time to complete his journey, he should, if possible, stand still at least for the recital of the first three benedictions and the last three benedictions. If not, he should pray while sitting in the conveyance and thus perform the customary rights of bowing. Nevertheless it would be preferable to say the *'amidah* immediately after dawn, and to say the afternoon prayer directly after 12:30

in the afternoon, in order to pray standing and in the proper manner.

9. Concerning one walking on the road and finding no water, when the time to eat has come, was explained in Chapter xl, 14; and in lxiii, 9, the law was laid down that the one who eats is not allowed to leave his place before saying Grace; and in xliv, 6 was explained that Grace must be said while sitting. Nevertheless if one ate while walking on a journey he may say Grace after meals also while continuing the journey, because he would feel uneasy if he were compelled to delay (to say the Grace while sitting down). If he ate while sitting then he must say the Grace in a like position.

10. The custom prevails among a few people that if they eat in the house of a heathen while travelling they do not unite to say the Grace after a meal, since they have not made an appointment here for this purpose. If, however, they had agreed to unite to eat together there, it would not be right to ignore the duty of uniting for saying Grace. They should say the following additional prayer: "May the all merciful send a plentiful blessing where we are walking and where we are sitting for ever." If they partake of the food of an individual they can say "May the all-merciful bless the master of this house", referring to their host, otherwise they should say: "May the All-merciful bless us." (Vide xliv, supra).

11. According to the strict interpretation of the law, it is forbidden to go on Friday more than three parasangs either to his house or to any other place, so that the people can prepare the Sabbath meals as is proper. In these lands we are not particular in this matter, because the majority of people prepare plentiful. Nevertheless it is necessary for everybody to enter an inn while it is day, for frequently the Sabbath is desecrated by people delaying in this wise, and let no one be misled by the evil inclination saying that the day is yet long and the road is good.

12. If one were in a lodging house while on a journey on the Sabbath and he had money with him, if he can deposit it or put it away in safety, he must not keep it in his pocket because the money is *muḳtzeh* (that which is forbidden to be handled or used on the Sabbath or Festival). If he fear that the money will be stolen from him, he may sew it in his garment on Friday and he should remain indoors and not go out on the Sabbath wearing this garment in a place where there is no *'erub* (the symbolical act whereby the legal fiction of community is established). But if there be cause to fear that by some reason of his refraining from going out the entire day, the people will surmise that he has money and that they might rob him, he can then go out with the money sewed in his garment but he may not go out under any circumstances if the money be in his pocket.

CHAPTER LXIX.

Laws Concerning the Afternoon Service.

1. Said R. Chelbo in the name of R. Huna: "A man should ever be careful in praying the afternoon service, for Elijah's prayer was answered when the afternoon sacrifice was to be offered, as it is written: 'And it came to pass at the time of the evening offering, that Elijah the prophet came near' " (Kings xviii, 36). The reason the afternoon service is so important is because the time for praying the morning service is fixed for the morning, and immediately upon rising he prays before he becomes absorbed in his daily affairs; likewise the time set for the evening prayer is in the evening when one comes home while he is already free from his daily affairs; but the afternoon service is to be prayed while the day is yet long and one is absorbed with his affairs; he then must think of it, stop all his business and pray; therefore the reward for it is great."

2. The right time for the Afternoon Service is nine and one-half hours of the day and that is called the short period for *minchah* (small Minchah). In case of emergency, e. g., if he had to go on a journey or to take a meal, he may say the afternoon service immediately after six and one-half hours of the day (12:30 p. m.) and this is called the "large *minchah.*" Actually its limit is extended to one hour and a quarter before night not later. This is called "half of a small minchah," for two hours and a half intervene between the beginning of the small *minchah* and nightfall, and half of this period is one hour and a quarter. And post facto or in a case of necessity one can say the afternoon service until the stars appear. It is now the custom even in many congregations to say this service shortly before night. The hours referred to are proportionate to the length of the day from sunrise to sunset divided by twelve equal parts, and if the day be long containing eighteen hours then every "hour" is really one hour and a half.

3. It is forbidden to begin even a small meal shortly before the "small *minchah.*" The term "shortly before" means half an hour. If he did not resolve to take a regular meal, but he was only eating or drinking momentarily, e. g., he partook of fruit or a dish of even one of the five special kinds of corn, to do so is permitted by some authorities. But it is proper to be strict and forbid even this. It is likewise forbidden to take a bath or to take a hair cut shortly before the small *minchah.* It is also forbidden to begin even shortly before the "large minchah," i. e., at noon, an elaborate banquet, such as a wedding banquet or a feast to celebrate a circumcision or the like, but they should wait up to the time the large *minchah* can be said, and they should pray before the feast. In a place where people are summoned to attend synagogue and if he be accustomed to go there to say his prayers with the congregation, he is permitted to begin a little meal shortly before the "small *minchah*" and also

thereafter, provided he will cease eating immediately when they call him to synagogue to pray. It is forbidden to begin an elaborate banquet shortly before the "small *minchah*," even in a place where they summon people to come to synagogue.

4. Prior to beginning the Afternoon Service it is necessary to wash the hands up to the wrists as at the Morning Service. If on concluding the Afternoon Service he made an interruption before saying the Evening Service, or if upon terminating the Morning Service he made an interruption before saying the Additional Service, the ablution must be repeated.

5. Ashre (Ps. cxlv.) which inaugurate the Afternoon Service should not be said before there are ten male adults in the synagogue, in order that the reader can say *ḳaddish* after this psalm has been said in the presence of the required quorum. But if *ashre* were said with less than a quorum present, and in the meantime ten adults have assembled, another psalm should be said after which the Reader should say *ḳaddish*. The Reader should enwrap himself in the *tallith* before reciting *ashre* in order to avoid an interruption between *ashre* and *ḳaddish*. But if he only obtained a *tallith* after he had already said *ashre*, he should enwrap himself therein and say some verses of the psalms, after which he should say *ḳaddish*.

6. If the time proper for afternoon prayer be limited and night be approaching, immediately after the *ḳaddish* the Reader should say the *'amidah* aloud whilst the congregation should only listen and make the responses until the Reader said "the holy God," to which they should respond *amen*, and then they should silently say their prayer. If, however, they be very much pressed for time, and it is to be feared that by waiting until the conclusion of "the Holy God" (by the Reader), they would be unable to conclude their prayer while it is yet day, they can immediately pray with the Reader saying silently word by word with him until "the Holy God." It is nevertheless proper that there be at least one who can respond *amen* to the Reader's benedictions.

7. If one arrives at the synagogue while the congregation say the *'amidah*, he should also say it with them, and on concluding the same he can say *ashre*. If, however, he will be unable to conclude the *'amidah* in time to say the *ḳedushah* in the Reader's repetition, and if he wait until the Reader has concluded the entire *'amidah* with the *ḳaddish*, when the time proper for saying the afternoon prayer will then be passed, he should wait for the Reader's repetition and say with him silently word by word. He should even say the Reader's version of the *ḳedushah* including "Unto all generations," and terminate the benedictions "The Holy God" and "Who hearkenest unto prayers" with the Reader. He should also say,

modim together with the Reader, so that he can bow with the congregation. On a fast day he should not say "answer us" together with the Reader, but he should insert this prayer in "Who hearkenest unto prayers" as is proper for a private worshipper. If he desire to say the Evening Service with the congregation and if he should postpone saying the afternoon prayer until the conclusion of the Reader's repetition of the *'amidah*, he would be compelled to say the Evening Prayer privately, he should say the afternoon *'amidah* when it is repeated by the Reader. If he came into the synagogue just before the *kedushah*, he should wait until the Reader has concluded the words "the holy God," and then after responding *amen* he should say *'amidah*. And although he will miss the response *amen* after the benediction "Who hearkenest unto prayer" and also the response *amen* after "Who hearkenest unto prayer," which responses are obligatory, nevertheless it is better to miss these responses rather than to lose the opportunity of saying the evening prayer with the congregation. Much more so is this the case if the time for saying the afternoon service be on the point of passing by.

8. If the afternoon service were prolonged until night the special supplications should not be said, for this prayer of supplication may not be said at night. The utmost care should be taken not to delay the afternoon service until it is actually night, as then kaddish including "May the prayers" etc. cannot be said after prayers which were recited during the previous day, since the night belongs to the following day.

9. If one came to the synagogue on a Friday afternoon and found that the congregation had already inaugurated the Sabbath or Festival, that is to say, on Sabbath they had said "A Psalm, a song for the Sabbath day"[1] or on the eve of a Festival they had said "Bless ye", then he should not say his afternoon service in that synagogue, but he should withdraw and there say his prayer. If he hear the Reader say "Bless ye" he should not respond with the congregation, for by responding to "Bless ye"[1] he forfeits his right to say the afternoon prayer of a week day, and if he made a mistake by doing so, he should say the 'amidah of the Evening Service twice. If, however, he arrived at the synagogue shortly before the Sabbath or Festival had been inaugurated, and although he could not complete the afternoon prayer before the congregation had inaugurated the Sabbath or Festival, he may conclude the same in the synagogue, as he began it there when it was permissible for him to do so.

CHAPTER LXX

Laws Concerning the Evening Service.

1. The time for reading the shema' of the Evening Service is when three stars are visible. On the day when the sky is overcast with clouds one should wait and not pray until he knows beyond a doubt that it is night. Nowadays it is customary to say the evening prayers with the congregation immediately after the afternoon service, although it is not yet night because of inconvenience, as it is difficult to get together the people again. But this should not be done before "half of the afternoon service"[1] for then the duty of praying has not been fulfilled. Happy is he who prays the evening service with the congregation and studies the Torah between the afternoon and evening services in order to join the night and the day with the study of the Torah, which is a matter of great worth. Nevertheless, the God-fearing man who had participated in the congregational Evening Service before night, should wait and not

partake of any meal before night set in. Immediately after the stars are visible he should read the first three sections of the shema.' One who does not join in the synagogue service, is not allowed to say the Evening Service before the stars have appeared.

2. The proper time for holding Evening Service is immediately upon the appearing of stars. It is forbidden to begin a meal or to engage in any work or even to study (the Torah) half an hour before the stars appear, the same law as applies to shortly before the "small minchah." If, however, one had no spare time, e. g., he was engaged in public teaching, he should at least not delay the recital of the Evening Service longer than midnight. But post facto (if one had allowed that time to elapse without praying), he is permitted to say the prayers until dawn.

3. If one came to the synagogue for Evening Service and found the congregation saying the 'amidah, he should say it with them even if it should not be night, although it is less than one hour and a quarter before night. Later when night had set in, he should read the shema' with its proper benediction. If the congregation were reading the middle of shema' with its benedictions and he will have time to read the shema' with its benedictions as far as "Who guardest the people of Israel for ever," before the congregation say the 'amidah, he should do so, and omit "Blessed be the Lord for ever" etc., and he need not say this benediction after the 'amidah. If, however (when he found the congregation saying the shema') he had not yet said the afternoon prayer, he should say the 'amidah of the afternoon prayer while the congregation say the shema' with its benedictions, after which he should wait for a short time, at least as long as it would take to walk four cubits, and he should then say the 'amidah of the Evening Service with the congregation, and after nightfall he can read the shema' with its benedictions, after which he should wait for a short time, at least as long as it would take to walk four cubits, and he should then say the 'amidah of the Evening Service with the Congregation, and after nightfall he can read the shema' with its benedictions.

4. One should say the prayer, "Blessed be the Lord for ever more," up to "may our eyes behold" while sitting. One is forbidden to interrupt oneself when saying the prayer from "And he being merciful" until after the *amidah*, but the announcement by the beadle of *yaaleh veyavo* or *tal umatar* is not considered an interruption, inasmuch as it appertains to the requirements of the service.

5. If one be left by himself while praying in synagogue at night, his companion is obliged to wait (for him) until he had completed his prayer so that his mind should not be disturbed. If, however, he began to say his prayers at such a time when he could not finish with the congregation, the companion is not obliged to wait for him, for in this case it is evident that he had come with this intention (to conclude his prayers alone) and he is not afraid.

CHAPTER LXXI

Laws Concerning the Order of the Night.

1. After the Evening Service every man should set aside some time for the study of the Torah, in order to fulfil the commandment: "And thou shalt meditate in it day and night." There is apprehension that at night if a man should first eat, sleep would overtake him, because he is tired and requires rest, as a result, the study of the Torah will be neglected. Therefore it is necessary that a man should set aside some time for

study prior to the consummation of his meal. But if he be hungry and his heart be faint due to the fact that he had not eaten to satiation during the day, he may then taste some food in order to rest his mind, then study a little, finish his meal, and then resume his study of the Torah again, every one according to his conception. Said our Rabbis, of blessed memory, that the nights were created but for the study of the Torah. This refers to the winter nights, nevertheless even during the short nights a man should study a little in order to fulfill the precept: "And thou shalt meditate in it day and night;" and from the fifteenth day of Ab and henceforth he shall add to the time of his study gradually. And Resh Lakish said: "He who is engaged in the study of the Torah at night, the favor of God is bestowed upon him, for it is said: 'God will command His favor by day and by night song is with him.' What is the reason that by day God will command His kindness? Because at night the song of the Torah is with him." Others say in the name of Resh Lakish: "He who is engaged in the study of the Torah in this world which is equivalent to the night, the Holy One, blessed be He, will bestow His favor upon him in the world to come, which is equivalent to day, for it is said: "By day the Lord will command His kindness, and by night song be with him.'" The more so, if one who has set a time to study during the day and neglected to do so, that he must complete his portion during the night.

2. It is proper for a man of average health to eat little at night, and it should be lighter than the meals of the day, and thereby he will be benefited with four things: 1) He will preserve his health; 2) He will avoid a bad occurrence in that no mishap will befall him during the night which as a rule is the result of a heavy meal and food that warm up the body; 3) His dreams will be pleasant and not erratic, because very often on account of excessive eating and drinking bad and strange dreams come; 4) His sleep will not be heavy and he will be able to wake up at the proper time. It is sufficient for a healthy man to sleep six hours. One should be careful not to sleep alone in a room, nor in a place excessively hot or excessively cold.

3. It is proper for everyone that is God-fearing to examine his deeds of the past day, before he goes to sleep. If he find that he has transgressed, he should feel remorse, repent and resolve with a perfect heart not to repeat this sin. Especially with common sins, such as, flattery, lies, scorning and slander, more scrutiny is required. A man should also resolve to forgive any man who sinned against him, so that no man be punished because of him, for it is stated in the Talmud: "He for whose sake a man is punished is not permitted to enter the domain of the Holy One, blessed be He." One should say three times: "I forgive him who annoyed me," and thereafter he should say: "Creator of the universe, I forgive" etc.

4. If one had not read the three sections of the *shema'* when it was night, he should say them when he says the *shema'* before retiring to rest at night. If he had said the three sections when it was night, he need not repeat them when saying his prayers in bed, but he should say the first section of the *shema'*. Nevertheless the most desirable way of discharging his duty is to say the three sections. Then he should say the psalms and Biblical verses referring to God's mercy, such as we find in the prayer books. But in the majority of the prayer books the benediction "Who makest to fall" is printed before the *shema'*, and it would be better to say this benediction at the end of the prayers so that it should immediately precede sleep. One should therefore say the *shema'* and the psalms before getting into bed, and when in bed he should say "Who makest to fall." Before going to bed he should go over to the *m'zuzah*, place his fingers on it and say: "The Lord is my keeper," etc., and thereafter he should repeat seven times the verse "In all thy ways," etc. After saying the benediction "Who makest to fall", one should neither eat nor drink nor speak until he falls asleep. If he be unable to sleep, he should read again the *shema'* the psalms, and the verses referring to God's mercy, and then read it over and over until sleep overtake him. Or he may repeat many times the following verses: "The Torah he commanded us." etc. "A continual fire," etc., until sleep overtake him; and this is likewise helpful of being saved from a nightly occurrence, God forbid. Let a man's thought be that the sleep is for the purpose of strengthening him to the worship of God, then the sleep will be reckoned as a part of God's worship. If one need have intercourse, he should not prior thereto say "Who makest fall," but thereafter; he should at least read the first section of the *shema'*, and then say the benediction "Who makest fall." etc.

5. One should take off his clothes and not sleep therein. When taking off the shoes and garments, one should remove those on the left first. One should not place his clothes under the pillow, because it makes him forget his studies. One should take great care to accustom himself to sleep on his side. It is strictly prohibited to sleep on the back with the face upward, or the reverse, sleep on his belly with his back upward, but he should lie only on his side. It is best that at the beginning of his sleep one should lie on his left side and at the end on his right side. This method of sleeping is good for the physical condition, because the liver lies at the right side of the body and the stomach on the left, and when reclining on the left, the liver is on the top of the stomach and warms it up, thereby being instrumental in the speedy digestion of the food. After the food had been digested it is proper to recline on the right side, in order that the stomach might rest and the needless food come down. One should not turn from one side to the other many times during the night.

CHAPTER LXXII

The Importance of the Holiness of the Sabbath and its Desecration; and the Laws of Preparation for the Sabbath.

1. The holy Sabbath is the great sign and covenant that the Most Holy, blessed be His name, has given us to know "That in six days God made the heavens and the earth and all that is in them and rested on the seventh day," and that is the foundation of the Faith; for our Rabbis, of blessed memory, said that Sabbath is equal to all other commandments. Observing all the laws of the Sabbath is like the observance of the entire Torah, and the desecration of the Sabbath is like the denial of the Torah in its entirety. And thus it is said in Ezra: "Also on mount Sinai camest Thou down . . . and Thou gavest them ordinance . . . and Thy Holy Sabbath madest thou known unto them" (Neh. lx, 13-4).

2. A violator of the Sabbath publicly is regarded as an idolator in every respect: if he touches wine it becomes unfit for use; the bread he baked is considered like bread of an idolator; the soup he cooks is considered like the cooking of an idolator. Publicity is constituted through the mere knowledge by ten Jews of the desecration without their actually seeing same. This is the law as deducted from the Talmud and the codes.

3. Hence, the praise of the prophet: "Blessed is the man that doeth this and the son of a man that holdeth fast by it: that keepeth the Sabbath from profaning it," etc. (Is. liv, 2). One observing the Sabbath according to the laws, honoring it to his utmost ability, is rewarded in this world, besides the great reward in store for him in the world to come, as this too is set forth by the prophet: "If thou restrain thy foot for the sake of the Sabbath, not doing thy business on My holy day: and if thou call the Sabbath a delight, the holy day of the Lord, honorable: and honor it by not doing thy usual pursuits by not following thy own business, and speaking (vain) words, then shalt thou find delight in the Lord; and I will cause thee to thread upon the high places of the earth, and I will cause thee to enjoy the inheritance of Jacob thy father; for the mouth of the Lord hath spoken it" (Is. lviii, 13-14).

4. It is written: "Remember the Sabbath day to keep it holy," which means to remember daily the Sabbath day to keep it holy; thus on coming across a delicious viand of a rare kind, and which is not liable to be spoilt through keeping it, it should be purchased in honor of the Sabbath. On the day preceding the Sabbath, one should rise early to purchase the necessities for the Sabbath. One is even permitted to make the purchase before the morning prayers, providing he loses not thereby the op-

portunity of praying with the congregation. It is, however, preferable to make the purchase in honor of the Sabbath on the day preceding the Sabbath rather than on Thursday. But articles requiring preparation should be procured on Thursday. Expression should be given while purchasing that it is in honor of the Sabbath. In accordance with the ordinances of Ezra, the clothes should be washed on Thursday in honor of the Sabbath, but not on the day preceeding the Sabbath, as on that day due attention is needed to the requirements of the Sabbath.

5. It is mandatory upon all, even upon one having numerous domestics to do something in honor of the Sabbath, thereby doing homage unto it, as it was the habit of the Rabbis. Rabbi Hisda, for instance, used to cut the vegetables very thin. Rabbah and Rab Joseph used to chop wood. Rabbi Zera was in the habit of lighting the fire. Rab Nachman put the house in order, bringing all the utensils needed for the Sabbath and disposing of the things used during the week. Others should emulate their example and not regard it undignified, for this is indeed his glory, in that he honors the Sabbath.

6. It is a general custom throughout Israel to bake in their houses loaves of bread in honor of the Sabbath. If a man uses non-Jewish bread on week days, then he must surely take care to eat on the holy Sabbath Jewish bread. Even if he eats Jewish bread during the week, he should also bake for the Sabbath bread in his own house in order that the woman may be enabled to perform the precept requiring her to separate the doughcake. For Adam was created on the Eve of the Sabbath, and he was destined to be the final sanctification of the world, but this privilege the woman lost by sinning, therefore she has to mend it. Three loaves should be baked, a large loaf, a medium sized one, and a small one; the medium sized one for the evening feast, the large one for the feast in the day-time to show that the day is entitled to greater honor, the small loaf for the third meal.

7. One should prepare choice meat, fish, dessert and good wines, in accordance with his means, for it is desirable to eat fish at every Sabbath meal provided it is not harmful to him, but if it does not agree with him, he should not eat it for the Sabbath is given us for pleasure and not for sorrow; the cutlery also in the house should be sharpened and polished in the honor of the Sabbath and fresh coverings should be put on the beds; one should also prepare handsome utensils, and have the household furniture nicely arranged, and the table should be covered with a cloth, which should remain upon the table the entire Sabbath day; there are some who put on two cloths. He should rejoice with the coming of the Sabbath, and reflect how the expectation of receiving a distinguished guest would make him active in setting his house in order, how much more so then in honor of Queen Sabbath. In some places the custom prevails to make pies for the Sabbath Eve meal, in commemoration of the manna, which lay as if

in a box, having dew on top and dew at the bottom. On the day preceding the Sabbath it is proper to taste the food prepared for the Sabbath.

8. Even the poorest of Israel should endeavor with all his might and main to take delight in the Sabbath. He should economize the entire week in order to have sufficient funds wherewith to honor the Sabbath. If one has no money he should borrow it even upon a pledge in order to provide for the Sabbath; of such a one did our Rabbis, of blessed memory say, "My children borrow for my sake and I will repay" (sayeth the Lord). All that a man disburses for his sustenance is determined and decreed upon the New Year, with the exception of his outlays for Sabbaths and Festivals, for which days, if he increases his outlay, there is a corresponding increase in his income. If, however, one is in needy circumstances, he should be guided by the maxim of our Rabbis, of blessed memory, "Make thy Sabbath as a week-day (not to spend any more for that day) and do not require the aid of the community." Nevertheless, if at all possible, he should do some little thing, distinctive for the Sabbath, procure small fishes and the like. One to whom an edible was sent with the express object of having him partake thereof on the Sabbath, should eat it on the Sabbath and not leave it for a week-day.

9. No work of a fixed character should be pursued on the day preceding the Sabbath from the "small afternoon prayer" on; but work of a desultory nature is permissible. It is equally permissible when it is required for the Sabbath. But to make clothes for some one else is not permissible. When the person is poor and desires to gain sufficient for the requirements of the Sabbath, for him work is permissible all the day, just as on the Intermediate days of Festivals. Hair-cutting for Israelites is permissible all the day even in the manner of an artisan, and even for pay inasmuch as it is obvious that the hair-cutting done then, is for the sake of the Sabbath. It is customary to close shops an hour before Sabbath is due.

10. As soon as the three quarters of the day passed it becomes mandatory to abstain from making a regular feast, even according to one's custom on a week day. But a feast which one does make generally on a week day, even if it be a feast of the precepts, if it be possible to make it some other day, it is forbidden to make it the entire day preceding the Sabbath, even in the morning. The feast of a precept, however, which has a set time for its performance, e. g., a circumcision or a redemption of the first-born, is permissible. Nevertheless it is proper to hasten its performance in the morning, and not to spend too much time thereon. One should particularly avoid eating to excess, so that he may eat the Sabbath meal with relish.

11. It is obligatory to conclude each week the weekly portion, viz.: to read the Scripture twice and Targum once. This precept is best performed by reading it on the day preceding the Sabbath in the afternoon. One should read each "Parsha" (sub-division) whether it ends a chapter or not, twice, then its Targum; at the conclusion thereof he should

read, after the Targum, one verse in the Torah, in order that he may conclude with a sentence of the Torah. It is well for one not to interrupt the reading with conversation, and it is also customary to read the *haphtorah* (a portion of the Prophets). After that is done, some make it a practice to say the "Song of Songs." One who is on the road and has only a Pentateuch, without Targum, should read the Scripture twice, and on arriving at a place where he can obtain the Targum, he should read the Targum. The more rigorous ought to study Rashi's commentary upon the Law-section, but if he is incapable thereof, he should learn the meaning of the section through a translation in the vernacular.

12. On Sabbath eve it is mandatory to wash the face, hands and feet with warm water. And if possible the entire body should be bathed in warm water to be followed by immersion in a ritual bath.

13. It is forbidden to bathe together with one's father or father-in-law, mother's husband, sister's husband. Where it is customary to be covered it is permissible. A teacher should not bathe with his pupil; but if the pupil has to minister to him it is permissible.

14. It is likewise mandatory to comb the hair, pare the nails, and cut the hair if too long; but finger and toe nails should not be cut on the same day, nor should the nails and hair be cut on the New Moon even when falling on a Sabbath eve. Some object to the paring of nails on Thursday, as the growth would commence on the Sabbath, being the third day.

15. All deeds should be reviewed on the day preceding the Sabbath and repentance aroused resolving to amend all misdeeds committed during the six days, for Sabbath eve embodies all the week days, just as the eve of the New Moon embodies the entire month.

16. An endeavor should be made to have fine clothes as well as a nice *tallith* in honor of the Sabbath; for it is written: "And thou shalt honor it" which is expounded by our Rabbis to mean that the garments for the Sabbath should not be the same as those for weekdays; and even while on a journey, among non-Jews, the attire of Sabbath clothes is desirable, for the array is not in honor of the onlookers but in deference to the Sabbath.

17. Victuals must be removed from burning coals before the Sabbath begins. In the event of forgetting to do so, it is prohibited for an Is-

raelite to remove it because the burning coals might be touched (and cause fire). It is, however, permitted to have it done through a non-Jew.

18. Victuals placed in the oven for consumption on the Sabbath, as is customary, is permitted, even though the door of the oven is not closed with mortar. But the door of the oven is not to be opened during the night (Friday), for fear that the food there had not yet properly been cooked and by the subsequent closing of the oven, cooking will be accelerated.

19. The permission to place victuals in an oven even when enclosed by mortar refers only to meat, pulse and all kinds of dough, but it must be placed there a considerable time before Sabbath begins, so that the food should be cooked a little before Sabbath until it reaches a stage when it can be eaten in case of emergency. If, however, it is placed in the oven close to nightfall, then the door must be closed with mortar. This must be strictly observed, otherwise it is prohibited to partake of the food till the expiration of the Sabbath.

20. It is desirable that the door of the oven which is closed with mortar should be opened by a non-Jew, or, if a non-Jew is not present a child should do it, but in the absence of either it may be done by anyone in a way somewhat different than would be done on ordinary days.

21. If on the day preceding the Sabbath one puts away a pot containing coffee into a hole in the ground, the same to be used on the Sabbath, and covers it with pillows or the like so that it should keep warm, then if he puts it in sand, he is not permitted to cover the whole of the vessel with the sand. Even if he covers only a part of the vessel with sand and the rest of it he covers with garments or the like, so that the vessel be covered on all sides, this is likewise prohibited. But to make it legal, one must cover only one-half or one-third of the pot with sand, the rest of the pot to remain uncovered, and then he may put a board or an inverted vessel on the top of the hole, so that there be empty space left between the top cover and the pot containing the coffee, and then on the top of this cover he may put pillows, garments or the like.

22. Before darkness approaches the household should be gently asked whether the dough-cake had been separated, and tell them that the candles should be lit.

23. It is obligatory to examine the clothes on Friday before dark

to ascertain whether a needle be sticking there as well as other articles be found in the pockets; this must be done even in places where there is an *'erub* because the articles might belong to the class that is forbidden to be handled on the Sabbath.

CHAPTER LXXIII

Under what Conditions Work May be done on Sabbath through a Non-Jew, and to Lend him or to Hire to him Utensils.

1. It is forbidden to allow a non-Jew to do work for a Jew on the Sabbath, it being based upon the precept that "no work should be done" which implies even through a non-Jew. But if the work is delivered to the non-Jew on the day preceding the Sabbath, even if the latter does it on the Sabbath, it is permissible, but only on the following conditions. (a) That the non-Jew should take the work from the Isrealite's house before Sabbath, but not on the Sabbath day.

2. (b) That a stipulated amount should be given the non-Jew in payment for the work, for then the latter does the work for his own sake, in order to get paid. Therefore one who employs a non-Jewish domestic for a stated period, is forbidden to allow the latter to do any work on the Sabbath, as the work is solely for the benefit of the Israelite. If a non-Jew travels to a certain place (before the Sabbath) and an Israelite gives him a letter to be conveyed which will have to be carried by him also on the Sabbath, he must give him some reward therefor, so that the non-Jew should do it for conmpensation and not gratis.

3. (c) The non-Jew should be paid a stipulated amount for the entire work and not hired by the day.

4. (d) It is forbidden to engage a non-Jew to do work on the Sabbath, even if he does not expressly tell him that he should do it on the Sabbath, but he orders its completion immediately after the Sabbath, and it is obvious that it cannot be finished by that time unless it is done on the Sabbath, that is forbidden. If one sends a written message through a non-Jew and tells him, "see that you deliver it there on such a day," and it is obvious that it is impossible for him to reach there on such a day unless he travels on the Sabbath, this is likewise forbidden. If a market is to be held on the Sabbath-day, it is forbidden to give a non-Jew money on the Sabbath eve, to buy for him a certain thing, which he knows he cannot obtain on any other day except on the Sabbath day. Under such circumstances it is also forbidden to give him anything to sell. Nevertheless if one does not give the non-Jew explicit instructions to do the work on the Sabbath, it is not forbidden unless he delivers the work to him on a Sabbath-eve, but previous to that day he is permitted to give him

the work to do, or the money to make the purchase. It is best not to live in a place where the market takes place on a Sabbath, for it is impossible to avoid violations; but if it is held in a non-Jewish quarter it does not matter.

5. (e) The work should not be of a nature that is connected with the soil, such as in building, or farm-work; indeed, it is forbidden to have a non-Jew work on a building on the Sabbath, even if the Israelite had agreed to pay him a certain amount for the entire work on the building, but in case of urgent necessity one should consult an eminent Rabbi. Even to quarry stones, and to prepare beams for building purposes, if it is obvious that they belong to an Israelite, and the non-Jew works thereon publicly in the street, it is forbidden to have it done on the Sabbath. The above is applicable also to farming, i. e., ploughing or reaping, and the like, even if the non-Jew be hired at a stipulated price for the whole week so that the latter is not a day laborer, it is still forbidden. If, however, the non-Jew has a share in the crops, and it is also customary in that locality for the worker on the farm to receive a share of the crops, it is permissible. If the farm is far away, where there is no Jew in the vicinity within two thousand paces thereof, it is permissible even if the non-Jew performs the work for a stipulated sum, so long as he is not hired by the day.

6. If non-Jews illegally built a house for an Israelite on the Sabbath, it is proper to be stringent and not enter therein. (There are many divergent opinions about it.)

7. The owner of a farm or mill may rent it to a non-Jew although the latter works therein on the Sabbath, but one is forbidden to rent a bathing establishment to a non-Jew. If the Israelite does not own the bathing establishment, but only rented it from a non-Jew, he should consult the ecclesiastical authorities how to act. One who owns a hotel, glass factory, brick factory, and the like, should also consult the ecclesiastical authorities how to act.

8. It is forbidden, under any circumstances, to allow a non-Jew to do work at the Israelite's house (on the Sabbath), even a non-Jewish domestic who desires to do some work himself, should be forbidden to do it.

9. If a non-Jewish tailor made a garment to order for an Israelite and brought it to him on the Sabbath, the latter is permitted to put it on. If, however, it be known that the tailor completed it on the Sabbath it should not be worn, unless in great necessity. But it is forbidden to take utensils or garments from a house of a workmen, even a Jewish workman, on a Sabbath or a Festival. From a non-Jew who is not a manufacturer, but has a shop where he sells boots, etc., an Israelite who is acquainted

with him is permitted to take a pair of shoes and put them on; there should, however, be no mention made of their price, nor shoul they be of merchandise brought in from without the Sabbath boundary.

10. It is forbidden to hire to a non-Jew on the Sabbath-eve workman's tools, such as a plough, etc., for although it is not mandatory upon us to cause utensils "to rest" on the Sabbath, nevertheless, inasmuch as he gets paid for it, and has hired it on the Sabbath eve, it appears as if the non-Jew is his agent, but on a Thursday it is permissible for a Jew to hire it to the non-Jew. One may, however, lend utensils to a non-Jew even on a Sabbath eve, and even when work is done with such utensils, provided that the non-Jew should take them from the Israelite's house before the Sabbath sets in. It is permissible in this case even if the former makes the non-Jew agree to reciprocate by a loan of his utensils at some future date, and it is not considered as equivalent to hiring it. It is also permitted to hire, even on a Sabbath eve, utensils with which no work is done; provided the non-Jew removes them before the Sabbath.

11. Hiring utensils to a non-Jew on the conditions aforesaid, is permissible only, if one does not take any reward for the Sabbath day separately, but is included amongst the rest of the days, e .g., he hires it by the month or by the week and tells him, "you will pay me so much per week, or per month," or even "for every two or three days." But it is forbidden to take a reward for the Sabbath by itself even if he hired it by the year, but he reckons the hire for each day separately, and says: "I hire you this by the year or by the month, and you will pay me so much per day." Even if the non-Jew, thereafter, pays him for the entire time in one lump sum, he is forbidden to take hire for the Sabbaths, inasmuch as each day is reckoned by itself. It is also forbidden to take compensation for the Sabbaths which are not included amongst other days, even for utensils with which work is not done, and even for the rental of a room. It is prohibited to take Sabbath hire from a non-Jew as well as from an Israelite.

CHAPTER LXXIV

Laws Concerning Embarking on a Vessel.

1. A vessel crossing the ocean should not be boarded less than three days before the Sabbath, i. e., from Wednesday on, but if bound on a sacred mission, it is permitted to embark even on a Friday.

2. It is permitted to board a vessel crossing a stream under any circumstances, even on a Friday, as long as the Israelite is not required to do any work there on the Sabbath. Even if the barges are pulled by cattle, it is permissible.

3. To board a ship on the day preceding the Sabbath can only be permitted, if one goes on board on the day preceding the Sabbath and remains there until nightfall. In this wise, even if one returned home remaining there over night, it is still permitted to embark thereafter on the Sabbath, so long as the vessel does not make the trip for Israelites only. But inasmuch as by having remained home on the Sabbath, the "Sabbath rest" had been acquired there; if therefore the ship had made a longer journey than two thousand paces and had reached land on the Sabbath, it is permitted to walk no more than four paces there, and further than that it is forbidden to go. (Vide xcv, infra).

4. Boarding a vessel on the Sabbath for the sake of praying in an assembly of ten, or for the sake of performing another precept may be permitted, if the vessel makes the trip also for others. It is nevertheless obligatory upon the Israelite to go on board on Friday while it was yet day, and to remain there until after nightfall, after which he may return home, and come back again on the Sabbath; but to have the vessel make the trip only for the Israelite, should not be permitted.

CHAPTER LXXV

Laws Concerning the Lighting of the Sabbath Candles.

1. It is obligatory upon every one to put work aside and to light the Sabbath candles at least half hour before the appearance of the stars; if "A Psalm, a song for the Sabbath" was said in the synagogue, even if it be yet two hours before night, the observance of the Sabbath is nevertheless obligatory upon the minority from that time, and any manner of work is forbidden. Even an arrival from another city is also obliged to observe the Sabbath immediately "A Psalm, a Song for the Sabbath" has been said by the congregation. In a city, however, where there are two synagogues, one is not led by the other.

2. It is mandatory to honor the Sabbath by the lighting of many candles. Some are accustomed to light ten, others seven; at any rate, one should not light less than two candles, for it is written, "Remember and observe"; one candle is only allowable in case of necessity. The candles should be big so that they should burn at least till after the meal, and one should be particular to buy nice candles. Rab Huna said "He who is accustomed to obtain nice candles for the Sabbath, will have *scholarly* children versed in the Torah, for it is written: 'For candles is the precept, and light is the Torah; i. e., because of the candles comes the light of the Torah. It is well that women should give some charity before lighting the candles. A woman who is troubled with raising children, or has no children at all, should, after lighting the candles, read the *haftorah* of the first

day of *Rosh Hashanah*. It is best that she should understand the meaning thereof and say it with devotion.

3. It is mandatory to light with olive oil; and almond oil which is generally used is also fit for the purpose; but there are certain oils that are unfit. The wick too should be of good quality, such as wool, flax or canvas, for there are some kinds that are not suitable for the purpose. It is correct to make candles from tallow as is the general custom in most countries, but it is prohibited to place a quantity of tallow in a vessel, put a wick into it and light it. The one that lights the candles should see to it that he lights most of the wick protruding from the candle; in case of tallow candles one should also light most of the wick protruding therefrom.

4. It is a well-known fact that the blessing relating to a precept is said before the precept is performed, but in lighting of the Sabbath candles, inasmuch as by lighting them, the woman assumes the holiness of the Sabbath, and as the blessing is initiative to the lighting, if she would first say the blessing, she would no longer be able to light them, she should therefore first light them, and in order that the blessings be said previous to the performance of the precept she should spread her hands before her face in order to shut out the sight of the candles and pronounce the blessing, she should then put her hands down and gaze upon the candles, it is thus considered as if she said the blessing before lighting them, (and in order not to make an exception, this is the custom also that prevails on Festivals). The lighting of the candles that are on the table at which the meal is partaken, is essential to inaugurating the Sabbath, she should therefore light those the last. In case of emergency, as when she has to take a bath of purification, or she has to go under the wedding canopy, or some other very important matter, then she may make a condition on lighting the candles, that she does not thereby inaugurate the Sabbath, and thus pronounce the blessing before lighting them. Such a condition is valid even when made only mentally.

5. The obligation to have candles lit on the Sabbath devolves upon both men and women, but the latter take precedence therein, inasmuch as they are at home and attend to household matters. Another reason assigned therefor is because she caused Adam to sin and thereby extinguished the light of the world and darkened his soul, which is called light, as it is written: "The light of God is the soul of man;" therefore it is her duty to make amends by lighting the candles in honor of the Sabbath, and therefore if the woman is at home, she takes precedence in performing this precept. Nevertheless it also behooves the man to assist in its performance by preparing the candles and he should singe it, i. e., light it and put it

out again, thus making them easy to light. When a woman is in confinement the husband should light the candles the first Sabbath, but after that and also during menstruation, she should light the candles and pronounce the blessing.

6. It is customary for the women, previous to lighting the candles to wash themselves and array themselves in Sabbath apparel, and happy are they! It is requisite that they previously say the afternoon prayer, as by lighting the candles they assume the Sabbath, and would therefore be unable to say the week day afternoon prayers thereafter. If a woman was delayed by her occupation, and reached home about half-an-hour before the Sabbath, and if she should wash herself and change her apparel she would risk profaning the Sabbath, it is more meritorious for her to light them, just as she is, rather than to come to a probable profanation of the Sabbath. If the husband sees that she is tardy in coming it is most meritorious for him to light them, and disregard her dissatisfaction.

7. If the man lights the candles and is afterwards obliged to do some work, it is well for him also to make it a condition that he does not thereby assume the Sabbath. If he inadvertently omitted to make that condition he is still permitted to do work thereafter, as it is not customary for him to inaugurate the Sabbath by lighting the candles.

8. The candles should be lit in the room where the people eat, in order that it be apparent that they are lit in honor of the Sabbath, and they should not be lit in one place and then taken to another except in a case of necessity, as for instance when the woman is sick and unable to go to the table, she may light them while in bed, and afterwards they may be placed upon the table in that house, as the entire house is considered their place. Women who light the candles in the *Succah* and afterwards bring them up to the house are not acting properly. A candle that burns from the day preceding the Sabbath should be extinguished and re-lit in honor of the Sabbath, in order that it be apparent that it is lit in honor of the Sabbath.

9. It is necessary to light the candles in every room that is being used. One who is at home with his wife, inasmuch as she pronounces a blessing upon the candles in one room, is not required to pronounce a blessing when lighting the candles in the other room. If, however, he stays elsewhere, and has a separate room there, he is required to light the candles, saying a blessing; and if several stay in one room, they should all contribute towards the purchase of candles, and one should light them, saying the blessing, and intend to exempt them all by his blessing. But if he has not a separate room, but is in one room with the host who is an

Israelite, he is not required to light candles, since the wife lights for him at home. Youths who are studying away from home, are required to light the candles and pronounce the blessing if they have a separate room, and they should all contribute towards buying the candles, and one of them should pronounce the blessing exempting the rest. It is requisite that the candles burn until they arrive there. If they have not a separate room, inasmuch as they have no wives to light for them, they are required to contribute to the host, and thus acquire a share in the candles. One who eats at the host's table is included with his household and need not contribute towards the candles.

10. It is customary for even many women to light candles in one house, each performing a blessing upon their candles, for the increase of light is an increase of joy.

11. No water should be put in the hold where the candle is placed with the object of its extinction on reaching it, but in case of need it might be waived on condition that the water be put in when it is still day. It is, however, strictly prohibited even on Friday, to place a vessel filled with water near the candles so that falling sparks might be extinguished. But it is permitted even at nightfall to put a vessel without water so that the sparks might fall there, because sparks are not tangible. But it is forbidden after nightfall to place a vessel near the candles wherein the oil or tallow should drip. But it is allowed to put a vessel for that purpose on Friday. If some of the oil or tallow dripped into the vessel, the latter must not be handled, but if nothing dripped in these it may be removed, for the removal of the vessel does not become forbidden by mere intention.

12. It is well to place the bread upon the table previous to lighting the candles.

13. If a woman is blind and she has a husband, the latter should light the candles, pronouncing a blessing, but if she has not a husband and she lives by herself she should light the candles pronouncing a blessing. If, however, she resides with others in one house, and the others light candles, the blind woman should light without pronouncing a blessing, but if she be mistress of the house, she should light first, pronouncing the blessing, after which the others should light, pronouncing the benediction.

14. A woman who once forgot to light candles should all her lifetime light an extra candle each week. If she forgot to light candles several times, she should always light an extra candle. This is only done in order to remind her to be careful in the future; therefore, if she was prevented from lighting by an accident, she need not light additional candles.

CHAPTER LXXVI

Laws Concerning the Prayers for Sabbath and Holydays.

1. It is customary to hold the evening service on Sabbath earlier than on a week-day. This is a proper custom in order to inaugurate the Sabbath as early as possible, but it should be from half of the time for the afternoon service and later. Even those who are accustomed to say the evening prayers during the week-days at the proper time, which is on the appearance of the stars, may pray earlier on the Sabbath. Although, at times on a week-day, the afternoon prayer is said at the time that the evening prayer is now said, it matters not with regard to the evening prayer of the Sabbath, inasmuch as it is a meritorious action to take from the week day and add to the holy day.

2. One should not conclude the blessing "Cause us O Lord, to lie down," etc., on a Sabbath or Festival, as he would on a week-day, with "Who guardest the people Israel for ever", because this blessing refers to the protection of Israel, but Sabbath being itself a protector, the blessing is therefore unnecessary, but he should say "Yea, spread over us," and close with "Blessed art Thou, O Lord, who spreadest the tabernacle of peace" etc. If, however, he erred and ended it as on a week day and he was reminded thereof immediately after saying "forever", he should instantly say "Who spreadest the tabernacle of peace", but if he was not reminded thereof until after the length of time it would take him to say the blessing, he is no longer required to say it.

3. According to custom in the Evening Service "Rest thereon" (feminine gender) is said: in Morning and Additional Services "Rest thereon" (masculine gender) and in the Afternoon Service "rest thereon" (plural).

4. After the silent prayer in the Evening Service for Sabbath, the entire congregation say: "And the heaven and earth were finished" etc.; it should be said standing, thus signifying that we are witnesses—for witnesses testify standing—in the Almighty's creations.

5. After which the Reader says one benediction embodying seven, i. e.: "Blessed art thou, O Lord, our God and God of our fathers" etc., then: "He was a shield," and closes with "Who hallowest the Sabbath." The congregation should stand and listen attentively while the Reader is saying this benediction, and it is customary for them to say with him: "He was a shield to our fathers," until: "For remembrance of the creation." Even one praying privately may say: "He was a shield to our fathers," until "in remembrance of the Creation," but no further.

6. The above benediction is said every Sabbath in the entire year, even when a Festival occurs thereon, also on a Sabbath which occurs at the close of a Festival, but when the first days of Passover occur on a Sabbath, it is not said.

7. It should be said only at a regular place of worship amongst ten, but in a place where prayers amongst ten are only said casually, e. g., at the house of a bridegroom, or at the house of a mourner, it should not be said. If ten had appointed a regular place for praying for several weeks, it should be said.

8. It is customary in these countries that the Reader says *kiddush* at the synagogue on Sabbath and Festival evenings. But inasmuch as he is thereby not exempt from saying *kiddush* at home, and he is forbidden to partake of anything previous to saying *kiddush*, therefore, in order that his benediction should not be in vain, the wine should be given to a child who had reached the age for being trained in the observances. The child should hear the benediction and be exempted thereby, and thus the Reader's benediction is not in vain. (For food may be given to a child before *kiddush*). If there be no child in the synagogue, the one who say *kiddush* or some one else should be intent upon being exempted by the *kiddush*, and drink as much as a quarter of a *lug* in order to say the last benediction. Nevertheless, he may say *kiddush* again at his home to exempt his wife and family, if they are themselves unable to say it. How he is exempted by the *kiddush* in the synagogue in spite of the fact that *kiddush* can only exempt one who says it and then partakes of a meal, is explained by our reliance, in an emergency, upon those expounders of the law contending that it suffices if one drank a quarter of a *lug*. It is well that he should drink a quarter besides the mouthful that he swallowed, so that the mouthful be drunk on account of *kiddush* and the additional quarter in place of the meal.

9. It is customary to say the chapter of the Mishnah: "With what material may the Sabbath lamps be lighted," but it should not be said on a Sabbath whereon a holiday occurs, nor when a holiday occurred on Friday, nor on a Sabbath of the Intermediate days of a Festival.

10. It is customary not to come to the synagogue on the Sabbath as early as on a week day, for sleep is one of the delights of the Sabbaths; this being based on the biblical injunction, for concerning the permanent sacrifice is written "In the morning", but when referring to Sabbath it is written, "And on the day of the Sabbath," thus indicating delay. Nevertheless one should take care not to delay the prayers of *shema* and *'amidah* until the proper time is past.

11. The time for saying the Additional Service is immediately after the morning service, and it should not be delayed later than the end of the seventh hour of the day. The one who says it after that time is called a transgressor; nevertheless, he had fulfilled his obligations, as its time is the entire day.

12. If one had to pray two *'amidahs*, one of the Afternoon Service and one of the Additional Service, e. g. he had delayed saying the Additional Service until six and a half hours, he should first say the Afternoon Prayers and then the Additional prayers, because the former is a constant duty, and it is well established that where there is a constant duty and one not constant, the constant duty has the precedence. Nevertheless in a congregation this must not be done.

13. In the *k'dushah* of the Additional Service, when "Hear O Israel, the Lord our God, the Lord is one" is said, it is a mistake for the congregation to follow immediately by saying, "One, He is our God," for it is not allowed to utter twice the word "one" consecutively, but it should be said: "The Lord is one; He is our God" etc. Only the Reader who pauses while waiting for the congregation may begin with the word "one."

14. In the Afternoon Service previous to the reading of the Law, "But as for me, May my prayer" etc. should be said. And this is in accordance with what our sages, of blessed memory, explained: "It is written, 'And they that sit in the gate talk of me; and I am the song of the drunkards.' And immediately thereafter it is written: 'But as for me, (Ps. lix, 13) etc. David said before the Holy One, blessed be He: Master of the world, this nation is not like the other nations of the world. They drink, get drunk and become heedless, but we are not so, although we drank yet as for me, may my prayer, etc." It is therefore said before the reading of the Law to thank our Creator that hath not allotted to us a portion like theirs, and even the ignorant among us come to hear the Torah read. It is not said on a Holyday which occurs on a week-day when the Law is not read, but it is said on a Sabbath even where there is no Scroll of the Law wherein to read. It is then said previous to the *half-kaddish* in order that there be no interruption between the *kaddish* and the *'amidah.*

15. After the repetition of the *'amidah* by the Reader, "Thy righteousness" should be said. These three verses are a sort of a justification of judgment for the righteous men of Joseph, Moses and David who died on Sabbath afternoon. If, however, the Sabbath is on a date whereon Supplications would not have been said on a week-day it should not be said. When praying in an assembly at the house of a mourner it should be said, for its omission would indicate the observance of mourning in public, whereas mourning should not be observed publicly on the Sabbath.

16. If one erred on a Sabbath or on a Festival and began saying an intermediate benediction of the week-day service, but was reminded thereof in the middle of the benediction, he is required to conclude the benediction, and then to say the intermediate benediction of the Sabbath or Holyday service. The reason therefor being that in fact the benedictions of the week-day service should have been said also on Sabbath and on Festivals, only in honor of the Sabbath and Festivals the sages reduced the number and introduced one intermediate benediction, and consequently one having commenced a week-day benediction should complete it, since in accordance with the law it should be said.

17. Even if one word of the erroneous benediction was said and the mistake at once recognized, it must be concluded. Excepting the benediction "Thou favorest," of which if only the word "Thou" was said, inasmuch as that word also begins the benediction in the evening and afternoon prayers of the Sabbath Service, therefore, if during that prayer it was forgotten that it was Sabbath, and "Thou" was begun with the intention of saying "Thou favorest" but immediately recognized the error, it is not necessary that "Thou favorest" should be said, but "Didst hallow" etc., should be continued. If, however, this occurred during the Morning Prayer, if it was caused by the erroneous impression that it was a week-day, it is necessary to conclude the benediction "Thou favorest"; but if cognizant of the Sabbath and knowing that "Moses rejoiced" should be said, but only through a slip of the tongue due to habit "Thou" was said, it is not necessary to conclude the blessing "Thou favorest," but "Moses rejoiced" should be said, for inasmuch as in the Sabbath Service there are also prayers beginning with "Thou" it is reckoned as if he had been saying one Sabbath prayer for another, since he knew that it was Sabbath, and he only said the word "Thou."

18. If he did not think of the error until he recited the last benedictions (i. e., from "Accept, O Lord our God," and further), he should stop in the middle of the benediction at the place he remembered the error, begin the Sabbath or the Festival prayers, and conclude them in the proper order. If he became aware of it after he began reciting "Let the words of my mouth" etc., he must start from the beginning of the *'amidah.*

19. If in the Prayers of the Additional Service it is erroneously substituted by a week-day benediction, then it should be stopped in the middle of the benediction where he became aware thereof and begin the Intermediate Service benediction of the prayer of the Additional Service, because according to the law all the intermediate benedictions of the week-days are not all essential in this Additional Prayer, but only one benediction of the *Musaph.*

20. If one erred and began reading the week-day *'amidah* on the Sabbath, it is a bad omen for him, and he should examine his deeds during the coming week and do repentance.

21. If one had erroneously substituted one intermediate benediction of the Sabbath prayers for another, and became aware thereof before pronouncing the Name of God of the concluding benediction, he should repeat the appropriate benediction. But if he only became aware thereof after he had pronounced the Divine Name, he should conclude by saying "Who hallowest the Sabbath" and is exempted from saying the appropriate benediction, inasmuch as the principal one of the intermediate benedictions is "Accept our rest" which is uniform in all the prayers.

22. The above is applicable only to the evening, morning and afternoon services. If, however, one substituted another prayer for the prayer of the Additional Service, he has not fulfilled his obligation, inas-

much as he did not mention the afternoon sacrifice. If he substituted the prayer of the Additional Service for the evening, morning, or afternoon prayers, he likewise did not fulfill his obligations, inasmuch as he mentioned the afternoon sacrifice and spoke falsely before the Omnipresent, blessed be He.

23. If one erred in the Holyday prayers and instead of concluding "Who hallowest Israel and the seasons" concluded "Who hallowest the Sabbath", if he instantly added " Who hallowest Israel and the seasons" he has fulfilled his obligations, but if he did not, he is required to repeat the prayer from "Thou hast chosen us" etc.

CHAPTER LXXVII

Laws Concerning the Holiness of the Sabbath and the Night and Day Feasts.

1. It is a biblical positive law to sanctify the Sabbath in words, for it is said: "Remember the Sabbath day to keep it holy," implying an obligation to remember it at its coming in by *kiddush* and at its going out by *habdallah*. Hence the sages have instituted the ceremony of sanctification over the cup of wine, both at the coming in and going out of the Sabbath.

2. *Kiddush* may be said and the meal partaken of although it is not yet night; those, however, who during the weekdays scrupulously say the Evening Prayers at the proper time, although they say it earlier on the Sabbath, are forbidden to eat half-an-hour before the appearance of the stars. If, therefore, it is only half-an-hour before the nightfall, one should wait till nightfall, when the *shema* and its benediction should be read and then followed by *kiddush*. It is forbidden to partake of anything, even water, before saying the *kiddush*.

3. It is mandatory to say *kiddush* upon old wine; it is also mandatory to select good wine, and if possible an effort to obtain red wine should be made. Where suitable grape wine cannot be obtained, *kiddush* may be said upon raisin wine. While saying: "And the heavens and the earth were finished", one should stand and gaze at the candles, thereafter he may sit down, gaze at the goblet and say the benediction "Who createst the fruit of the vine" and "Who hallowest us." If one has no wine. he should say *kiddush* upon bread but not on any other beverage.

4. *Kiddush* is also obligatory upon women. They should, therefore listen attentively when the *kiddush* is said and respond "Amen", but they should not respond "Blessed be He and blessed be his name." A minor even if he had arrived at the age of thirteen, but his religious majority had not been clearly established according to law, cannot (by saying *kiddush*) exempt the woman. She should therefore say *kiddush* herself, but if she does not know how to say it, she should repeat it after the child word by word; even if she hears the *kiddush* said by her husband, or by some other man, it is proper for her to say each word with the

one who says *kiddush*. (If there are several men in one house, vide cxxxv, infra, as to how they should act.)

5. One should not say *kiddush* upon wine which has turned sour, nor upon wine having a disagreeable odor, although it has not turned sour, and its taste and odor is that of wine over which the benediction "Who createst the fruit of the vine" may be said, but it has a slight disagreeable odor because it was in an unclean vessel or if it has the same odor as the barrel, no *kiddush* should be said upon it. If wine remained uncovered for a couple of hours, no *kiddush* should be said upon it, for if you bring it as a present to your governor, will he accept it favorably, or will he show you favor? Foamy wine should be strained, but if it is impossible to strain it, one may say *kiddush* thereon just as it is, but if it is covered by a whiteish film, one should not say *kiddush* thereon, for it has presumably lost its taste.

6. One may say *kiddush* upon wine that has been boiled or made with honey. Others, however, hold that no *kiddush* should be said on such wine since it was not fit for the altar; therefore, if possible, one should seek for different wine.

7. The goblet for *kiddush* should be perfect and clean, for all the laws pertaining to the cup used for Grace after meals apply also to the cup used for *kiddush*, both in the evening and the day-time, as well as to the cup used for *habdallah*. It were well to say *kiddush* in the evening upon a large glass (of wine) from which some should be left for the *kiddush* in the day time, and for *habdallah*.

8. The bread should be covered whilst the *kiddush* is said. Even though one says *kiddush* on the bread it should still be covered while *kiddush* is said, symbolizing the manna which was covered with dew from above as well as from beneath.

9. The one who says the *kiddush* should drink at least a mouthful from the cup without interruption. It is mandatory for all to partake of the cup of benediction. One who does not drink wine on account of having pledged himself to abstain, or because it does him harm, or for like reasons, should not say the *kiddush* upon wine, and rely upon others to drink it.

10. Wine of *kiddush*, inasmuch as it is one of the essentials of the meal, does not require a concluding benediction to be said thereafter, as that is exempted by the grace after the meal. There is an opinion which holds that it does not exempt it. Therefore if possible he should say a benediction over a cup of wine after Grace and thereafter say the last be-

nediction, thereby also exempting the cup of wine of the *kiddush*.

11. On the wine partaken of during the feast one need not pronounce a benediction, as it was exempted by the benediction "Fruit of the vine" of the *kiddush*.

12. If one had said *kiddush* upon a glass, thinking it contained wine, and then discovered that it contained water or some other beverage, he should repeat the *kiddush* upon wine. If there was wine before him on the table of which he intended to drink during the meal, he is not required to repeat the *kiddush*, as it is reckoned to him as if he had said the *kiddush* upon that wine. But if there was no wine before him on the table, but there was some in the house of which he intended to partake during the meal, he is not required to say the benediction "The fruit of the vine" only "Who hallowest us" etc. If the glass contained beer or mead where these are the native drinks, he is not required to repeat the *kiddush* under any circumstances, but he should pronounce the benediction "At whose words all things" and he may drink it. Nor is it necessary to repeat the *kiddush* where the saying of *kiddush* follows the washing of hands before meals, as is the custom in some places, but he may say the benediction "Who bringest forth" and it is considered as though he has said the *kiddush* over the bread.

13. In the day time at the morning meal, one should also say the *kiddush* upon a glass (of wine). This *kiddush* consists in simply pronouncing the benediction "The fruit of the vine". This *kiddush* is obligatory also upon women. Before this *kiddush* is said it is also forbidden to partake of anything, even water, as was laid down concerning the *kiddush* at night, and it is fulfilling the precept in the best manner to say that *kiddush* also over wine. If one, however, is fond of brandy and he says *kiddush* thereon, he has fulfilled his obligation. He should be careful to observe that the glass contains a capacity of one and a half egg-shells, and he should drink a mouthful without interruption. (Vide xlix, 6, relating to drinking brandy or coffee, when one says *kiddush* over wine).

14. Both in the evening and day-time *kiddush* should only be said where the meal is partaken of, for it is written: "And thou shalt call the Sabbath a pleasure," and the Rabbis, of blessed memory, said where you say the *kiddush* there you shall have pleasure. If one, therefore says *kiddush* in one house and eats in another, although that was his intention when saying the *kiddush* he has not fulfilled his obligation concerning *kiddush*. One is also required to eat immediately after *kiddush*, and if he did not eat immediately thereafter, he has not fulfilled his obligation concerning *kiddush*. In the day-time, even if he does not care to eat a regular meal immediately thereafter, still he may say the *kiddush* and partake of some pastry, but then he is required to drink a quart of a *lug*, in order to say the benediction thereafter "For the sustenance," and "For the fruit of the vine." A *mohel* who has to pronounce a benediction upon the

"circumcision-cup," but has not as yet said the *kiddush*, should drink a mouthful from the glass, then an additional quarter of a *log*.

15. After saying the morning prayers, one who feels faint may partake of some slight refreshments previous to saying the prayers of the Additional Service, viz.: of bread no more than the size of an olive or half egg, but of fruit he may eat plenteously in order to sustain his heart. He must, however, first say the *kiddush* and drink a mouthful (of wine), then partake of an additional quarter of wine, or he may drink a quarter of wine, and thereat the size of an olive of food made of the five species of grain.

16. Every Israelite, man or woman, is in duty bound to partake of three meals on the Sabbath, one in the evening and two in the day-time, and at each meal it is obligatory to eat bread (and since the hands are washed and the benediction "Concerning the washing" is said, he must eat of the bread the size of an egg). Therefore in order to be able to fulfill the precept concerning three meals, one should take care not to eat to excess at the morning meal. If, however, one finds it impossible to partake of bread (at the third meal), he should, at least, partake of pastry or of any food made from any of the five species of grain upon which the benediction "Who createst various kinds of food" is pronounced. But if this also is impossible for him, he should at least partake of that which is eaten with bread, such as meat, fish and the like; and if this also is impossible for him, he should, at any rate, partake of cooked fruit. The time for partaking of the third meal begins from the time of the large *mincha*, i. e., from a half an hour past noon.

17. One is obliged to break bread at every meal upon two entire loaves. He should hold both loaves in his hands while saying the benediction "Who bringest forth," and he breaks one of them. It is customary, before saying the benediction, to make a mark with the knife upon that part of the loaf he desires to cut, the reason therefor being as stated in xli, 3, supra, that on week days one is required to cut a little around the bread before the benediction, but on the Sabbath, it cannot be done, because the loaves need be whole ones when the benediction is said; therefor he should at least mark the place to be cut in order that he may know the exact place where it is to be cut and not interrupt too long by considering where it should be cut. He should lay the loaves in such a way that the one he desires to cut should be in front of him, so that he need not (by passing a loaf) leave a precept unfulfilled. Even if one partakes of many meals, he is required to have two whole loaves at every meal. In the morning when saying *kiddush*, he must also have two loaves, and when he partakes of pastry he should also take two whole ones.

18. If not all who are at the table have double loaves, only one of them, he should break bread and exempt them all. They are also exempted from saying the benediction "Who bringest forth", as it was said by the one who divided the bread. Before saying the benediction "Who bringest forth" the latter should say "With the sanctions of my instructors and teachers," and after he had partaken of his portion of the bread on which he had said the benediction "Who bringest forth", he should give each one a portion which they should eat.

19. If one did not read the Law-section on the Sabbath eve, it is mandatory upon him to read it before eating. If, however, he did not read it before the meal, he should at least read it before the Afternoon Service, and post facto, it may be read until Tuesday evening.

20. It is forbidden to fast on the Sabbath for the express purpose of fasting, even for a very short time. And to fast until noontime it is forbidden in any event, even if not done for the express purpose of fasting.

21. One is forbidden to be grieved about any distress, God forbid, but should pray for mercy to the good God.

22. One should generously partake of fruit and delicacies also inhale sweet perfumes in order to complete the total of one hundred benedictions. Indeed, it is mandatory to take delight on the Sabbath in everything that gives pleasure as it is written: "And thou shalt call the Sabbath pleasure".

23. After the morning meal, one who is accustomed to sleep after the meal should not discontinue it. But one is forbidden to say: "I will sleep and rest myself on the Sabbath, so that I may work on the close of the Sabbath."

24. After such sleep a time should be set aside for the study of the Torah. For, relating to the Sabbath it is written: "And Moses assembled." And our Rabbis, of blessed memory, said: "Why is in this portion written, 'And he assembled' and not in the entire Torah? God said to Moses: 'Go down and make assemblies on the Sabbath, so that the generations to come may learn to make assemblies to study the Torah in public.' " And again did our Rabbis, of blessed memory say: "Sabbaths and Festivals were given to Israel only to devote themselves to the study of the Torah, as there are many who are preoccupied in their work during the week, and have no time to study the Torah regularly, but on Sabbaths, and Festivals, being relieved from their work, they can study the Torah properly." Hence all those who do not study the Torah the entire week, are all the more obliged to study the Torah on the holy Sabbath, each according to his conception and capacity.

CHAPTER LXXVIII.

Laws Regarding the Reading of the Torah on Sabbaths and Festivals.

1. When the section of the Torah has been apportioned to more than seven persons on Sabbath, the Cohen or the Levite may be called up for the reading of the last section, inasmuch as seven had already been called and as he is also the last of those that it was essential to call (except the *maftir*). The Cohen or the Levite may also be called to the *maftir*. It is permissible to even call one Cohen to the last section and another Cohen to *maftir*, inasmuch as the saying of the *ḳaddish* intervenes between them. On the Rejoicing of the Law when three scrolls of the Torah are taken out, one Cohen may be called up as *Hathan Torah* (ending the reading of the Torah), another as *Hathan B'reshith* (beginning of the reading of the Torah), and a third as *maftir*, inasmuch as a different scroll of the Law is used for each. However, if the New Moon of the month *Tebeth* falls on a Sabbath, although three scrolls of the Law are also taken out, even if they desire to read the eight portions in the first Scroll, it is not permitted to call up a Cohen to the eighth portion, inasmuch as the reading is not completed in that Scroll, but is completed in the second Scroll wherein the section for the New Moon is read, to which the Cohen may be called up. The same law applies to *Sabbath Sh'ḳalim* and *Parshath Hachodesh*, when they occur on the New Moon.

2. If a Cohen or a Levite was called up to a portion properly alloted to an Israelite, some one else should go up in his place, while he should wait near the desk and be called up either to maftir or to the last portion after the requisite number had been called.

3. On the Sabbath when two sections of the Law are read, they should be merged into one with the calling up to the fourth section.

4. There should be no interruption made in the reading of the curses contained in the section *B'hukotai* or *Ki-Tabo*. The reading of these curses should be begun by adding one verse preceding it; but in order not to begin a *parsha* with less than three verses, it should be begun from three verses preceding it. At the conclusion, it is likewise requisite to read at least one verse after the curses, but care should be taken not to end it at less than three verses from the beginning of a section. In the section *Ki-Tissa*, the entire *parsha* of the golden calf until the words, "And his minister Joshua," etc. should be read for a Levite, for the reason that the sons of Levi were not concerned with the making of the golden calf. It is customary to read in a low voice from the section beginning with: "And He gave unto Moses as he had finished", until: "And Moses entreated." When beginning: "And Moses entreated", he may resume the reading in a loud voice until: "And Moses turned and went down," and when he begins: "And he turned," he should again read in a low voice until: "And Moses took a tent," then he should resume reading in a loud voice until the end of the *parsha*. The curses contained in *B'hukotai* and in *Ki-Tabo* should likewise be read in a low voice; the verse: "And I will remember My covenant with Jacob" etc. should be read in a loud voice; then the verse: "And the land shall become desolate" should be read in a low voice, but from the verse: "And with all this," until the

end, he should read in a loud voice. Of section *Ki-Tabo* the verse: "To fear the honored Name" to the end should be read in a loud voice, and thereafter in a low voice until: "And there is no one to buy." Also in the section *B'haalothha* it is customary to read in a low voice from: "And the people were as complaining", until: "and the Manna was seedlike"; the reason therefor being to show that they regret their evil ways. All that is read in a low voice should yet be read aloud enough for the congregation to hear, as otherwise they are not exempted from the obligation of reading the Torah. There should be no interruption in the reading of the forty-two journeys in the section *V'eleh Massei*, for it is significant of the Divine Name consisting of forty-two letters.

5. Between the reading for one person and another, it is necessary to have the Scroll rolled together, but it need not be covered. However before maftir when kaddish is read and there is a long interval, it should be covered with its mantel. On any occasion where there may be a long interval, for instance when they sing upon calling up a bridegroom or the like, the scroll should likewise be covered. It would seem that the same law should apply when some time is spent in saying Mi Sheberach (He who blessed" etc.).

6. If on the Sabbath the portion for the sixth person was erroneously read until the end of the section, kaddish should not then be said, but the maftir should be called immediately, thereby also making up the requisite number by being the seventh person called up, and after he had said the haftorah with all the accompanying benedictions, the kaddish should be said: On a Festival also, if the portion for the fourth person was erroneously read until the end of the section, kaddish should not be said, but the maftir should be immediately called up to the reading of the second Scroll, and after the haftorah and its benedictions, kaddish should be said.

7. When it is necessary to take out three scrolls of the Law, and they have but two, the second scroll should not be unrolled in order to read therein what should be read in the third scroll, but they should take the first scroll to read it therein.

8. The laws concerning a scroll that has been found defective were laid down in Chapter xxiv. If the defect was discovered while the maftir was read, then if it was a maftir treating of the duty of the day, such as that which is read on a Festival, or a Sabbath on which New Moon occurs, or on which Sh'kalim is read, and the like, when an extra scroll is taken out for the maftir, it is then governed by the same law that applies to any other portion of the Torah. But on an ordinary Sabbath, when the reading of the seventh portion is repeated for the maftir, which is done only in honor of the Torah (i. e., that the honor be given to the Torah and the honor given to the Prophets should not be equal, inasmuch as the one who reads a portion in the Torah says a benediction when commencing and when ending, and also the one who reads in the Prophets says a benediction when commencing and when ending; therefore a law was enacted that the one called for maftir should also read a portion of the Torah, showing thereby that the reading of the Torah is the principal thing), in this case another scroll should not be taken out. The reading should be concluded in the same Scroll, but he should not say the concluding benediction. However, he should say the Haftorah with the necessary benedictions. If the defect was discovered before he had said the benediction preceding the reading of the portion

another scroll should be taken out. If there be no other Scroll, then the one who was last called should say the haftorah with the benedictions, and if kaddish had not yet been said, it should be said after the haftorah.

9. It has already been explained in Chapter xxiv that if an error was discovered in a word, either having a letter less or a superfluous letter, then so long as it alters neither the reading nor the signification thereof, another scroll should not be taken out. .Nevertheless, if such a discovery is made on the Sabbath, although another scroll need not be taken out, at any rate more than seven persons should not be called up to the reading in that scroll. The seventh one should read the haftorah with the benedictions, and kaddish should not be said till after the reading of the haftorah with the benedictions. (The above is applicable only to an ordinary Sabbath, but when the maftir treats of the duty of the day, it is certainly necessary to call one up to maftir). During the Afternoon Service that scroll should not be taken out.

10. On a day when two scrolls of the law are taken out, if a defect was discovered in the first scroll, and there is another scroll in the ark, should they desire to resume the reading in the second scroll, and then take another scroll for the second reading, this should not be done, as it is requisite to read in each Scroll that which was originally intended to be read therein. This law applies also to a day when three scrolls of the Law are taken out. If the scrolls were changed, by taking out first that which it was intended to be taken out last, they should roll the first together and take the second, in order that they may read in each scroll that which was originally intended to be read.

11. The following is the order of precedence of those who are in duty bound to go up to the reading of the Torah: a) A bridegroom on his wedding day, and a bridegroom celebrating the first marriage for whom they sing when called to the Torah on the Sabbath which precedes his wedding-day; b) a lad who has become Bar-Mitzvah in that week; these are all equal; c) a *sandek* on the day of circumcision, i. e. one who holds the child during the circumcision; d) a *sandek* on the eve of the circumcision, when he carries the child to the synagogue where he is to be circumcised; e) the husband of a woman who had given birth to a daughter, and the mother goes to the synagogue; f) the husband of a woman who had given birth to a son, and the mother goes to the synagogue. However, if the women do not go to the synagogue, going up to the reading of the Torah is not obligatory upon the husbands, except if it be the forty-first day of her having given birth to a son, or the eighty-first day of her having given birth to a daughter, as it was at these times that the offering was brought; g) a bridegroom whose wedding took place on Wednesday or later in the week—on the Sabbath after the wedding, but only if it is the first marriage of either one of the contracting parties; h) one who has Jahrzeit on that day; i) the father of a child on the day of circumcision; j) the *mohel* on the day of circumcision; k) one who will have Jahrzeit during the week following the Sabbath; l) the *sandek*, then the father, then the *mohel*—on the Sabbath preceding the circumcision. Two persons upon whom it is equally incumbent to go up to the reading of the Law, should abide by the decision of the president of the congregation, or else, decide by lots. He who is not a member cannot take preference over any member upon whom it is incumbent to be called up to the Torah. It is customary to call up to the Torah one who is about to start on a trip

after the Sabbath, or one who has returned from a trip. It is likewise the custom to honor a guest of importance by calling him up to the reading of the Torah. All these, however, do not have any preference over any one upon whom the going up to the reading of the Law is incumbent.

CHAPTER LXXIX.

Laws Concerning Maftir.

1. Before calling up the *maftir*, *half-ḳaddish* should be said. During the saying of the *ḳaddish*, if two scrolls of the Law be used, the one in which the reading was done until then, and the one in which the reading will be done for the *maftir*, should both be on the table. On a day when three scrolls of the Torah are used, it is not necessary to also lay the first one on the table.

2. The one called up for *maftir* should not begin to say the benedictions of the *haftorah* until after the one who rolls the scroll together has wrapped it in its mantle.

3. In the first benediction after the words "That were said in truth" no Amen should be responded, only at its conclusion, which ends with the words "And righteousness," because it is all one benediction. In the first of the concluding benedictions, no Amen should be responded after the words "Truth and righteousness," as "Faithful art Thou" etc. is also a part of that benediction. As there are some who erroneously respond Amen at these parts, it is well for the one called to the *maftir* not to pause there, in order that they should know that there the benedictions do not end.

4. It is forbidden to speak during the time that the one called up to *maftir* reads the *haftorah*.

5. According to the principles of law, the one that was called up to the *maftir* should alone read the *haftorah*, while the congregation should say with him in an undertone. The custom therefore adopted that the congregation reads it in a loud voice with the one called up for the *maftir*, is only the result of ignorance, and it is proper to abolish that custom. There are also some who prolong the reading of the *haftorah* so that even after the one called up had concluded the reading of the *haftorah* and had begun the benedictions, they are reluctant to cease to read the *haftorah*. These are not acting properly. For if they say it in a loud voice they do not hear any words uttered at the beginning of the benedictions of the *maftir*, and ocasionally they are also instrumental in causing their neighbors not to hear it, and even if they do lower their voices slightly at the beginning of the benedictions nevertheless they themselves do not hear it. Therefore the best custom to be adopted is that immediately upon hearing the one called up to the *maftir* conclude the reading of the *haftorah* and begin the benediction, although the listener has not as yet finished reading it, he should become silent until the reader finishes the benedictions, and thereafter he may conclude the reading of the *haftorah*. The

one called up to *maftir* should also be careful not to begin the saying of the benediction until the tumult of the congregation has entirely subsided.

6. On a Sabbath when two sections of the Torah are connected, only the *haftorah* of the second section is read, except in the case of *Acharei-K'doshim* when connected, then the *haftorah Halo ḳibne ḳushiyim* etc. is read. In some books it is marked that the *haftorah Vaibrach yaakob* is to be read in conjunction with the section *Vayishlach*, but this is an error, because this *haftorah* belongs to Section Vayetze, and the *haftorah* for *Vayishlach is Chason Obadiahu.*

7. On a New Moon which occurs on Sabbath, the haftorah Hashomaim Kisi, should be read. If the reader erred and read the haftorah belonging to the weekly section of the Torah, if he had not as yet pronounced the benedictions read at the conclusion, he should also read Hashomaim Kisi and say the benedictions thereafter. If he was not reminded thereof till after the benedictions, he should read Hashomaim kisi without the benedictions. If a New moon occurs on Sunday, the maftir should read Machar chodesh, and if he erred, he is governed by the same law as that which relates to New Moon which occurs on Sabbath. If a New Moon occurs on Sabbath and on Sunday, the maftir should read Hashomaim kisi.

8. On the Sabbath of the intermediate days of the Passover, no allusion to the Passover should be made either in the middle of the benedictions of the haftorah or at their conclusion, but he should conclude with "Who hallowest the Sabbath." But in the intermediate days of the Feast of Tabernacles, the Festival should be alluded to just as on the Holiday of Tabernacles which occurs on the Sabbath (since the complete Hallel is then read, and there is also a distinction in the sacrifices).

9. A minor who arrived at the age proper for training and who knows how to pronounce the words distinctly, may be called up to *maftir* on the Sabbath or Festivals excepting on the Sabbath when the sections *Zachor* and *Parah* are read, and on the Sabbath in the days of Repentance. On the seventh day of Passover when the *Shirah* is read for *maftir*, it is likewise customary not to have a minor go up to *maftir*. On the first day of Pentecost when the first chapter of Ezekial (*Merkabah*) is read, it is customary to call up only an adult and a sage. On the Sabbath when *Chasan* is read (during the nine days of Ab), it is customary to call up the Rabbi to *maftir*.

10. It was established that the *haftorah* should be read with the benedictions only after all those whom it is proper to call to the Torah had gone up and said the benedictions. However, if an invalidity was found in the scroll of the Torah on an ordinary Sabbath, even at the seventh portion, and there was no other scroll, and therefore the last one did not pronounce the benediction; likewise when a section relating to the duties of the day is read for the *maftir*, even if an invalidity is found in that section, then the benedictions of the *haftorah* should not be pronounced, but the *haftorah* should be read without the benedictions. But on an ordinary Sabbath, if an error was discovered after the seven persons were called, whether on calling more than the required number (seven) or in the portion read for *maftir*, the *haftorah* should be read with the benedictions.

CHAPTER LXXX.

Some of the Works Forbidden to be Done on the Sabbath.

1. It is forbidden to perform work which requires some concentration of mind before a candle light; the Rabbis have prohibited this lest he forgets and incline the light in order to bring the wick nearer the oil, and he will then be guilty of the violation termed "kindling." Two persons, however, are permitted to read one subject out of one book, because if one will be about to incline it, the other one will remind him. It is, however, the prevailing custom to permit it with our modern candles in which the tallow or the wax is wound around the wick. But it is necessary that one make a certain mark so that it should not occur to him to clip off the tip of the wick which turned into sooth. According to the view of Maimonides this act is prohibited by the Mosaic law, and it is forbidden to cut off the tip of the wick even through a non-Jew.

2. It is prohibited to open a door or a window opposite a burning candle which is near it, lest it be quenched on account of this, but one may close such window or door. It is forbidden either to open or to close the door of an oven in which there is fire, for by means of this he either kindles the fire or extinguishes it.

3. It is forbidden to pour boiling gravy on pieces of bread or *matzoth*, but one should first empty the gravy into the dish, and let it cool a little until it is fit to eat, and thereafter he should put the bread or the *matzoth* therein, but as long as the gravy is hot, even if it is already in the dish it is forbidden to put either bread or *matzoth* therein. It is likewise forbidden to put salt or spices into the gravy even if it is already in the dish, and certainly not into the pot, as long as it is boiling (hot), but he must wait until it cools off a little so that it be fit for eating. Some are more lenient with salt which was melted already through boiling; a blessing may come upon him who adheres to the stricter opinion even regarding this. It is likewise forbidden to pour hot coffee or tea into the vessel out of which one desires to drink, if there is sugar in such vessel. But one must first spill in the coffee or the tea, and theeafter put the sugar there. In cases of necessity one may be lenient about it.

4. It is forbidden to place fruit or water upon an oven after a fire was made therein, because the water may boil and the fruit may bake. Even if it be his intention only to warm it a little, nevertheless since it is possible that on this place it will boil or bake, it is forbidden to warm it there. Pudding which has fat in it should likewise not be placed opposite a

fire or an oven where it may boil, although it be his intention only to warm it. But in a place where it is impossible that it boil, but it will only warm up a little, one may place it there, even if the fat congealed or the water froze on account of the cold. However, one is not allowed to put into an oven, in which things were hidden away for the Sabbath, anything that is cold, although it be impossible that it boil there. When it is for the need of a person who is slightly ill, the proper authorities should be consulted. On the Sabbath some people are wont to replace into the oven the food which they had hidden away there (on Friday) if such food is still warm; but if the food has entirely cooled off they do not permit it. But a man with the proper spirit should be stringent about it in any event.

5. On the Sabbath it is forbidden to place victuals under the cover of anything (even if it does not serve to increase its warmth). Therefore if one removes a pot in which there are victuals which were cooked or warmed therein, it is forbidden to wrap it around or cover it with pillows, bolsters or the like in order to preserve its warmth.

6. A thing which cannot be eaten at all without being purged with water, must not be purged on the Sabbath even with cold water. However, it is permitted to soak herring in cold water, as it was fit for food even previous to having been soaked.

7. Mustard or horse-radish, or any kind of appetizer, in which no vinegar was put while it was still daytime, may not be prepared on the Sabbath unless it be done in an unusual way, e. g., one should first put the vinegar into a vessel and thereafter put the mustard or the horseradish. He shall make no thick mixture thereof, but he shall put much vinegar there so that the mixture bo soft; neither should he mix it with a spoon, but either mix it with his finger or shake up the vessel until it be mixed together.

8. If fruit is found lying under a tree it is forbidden even to handle it on the Sabbath, for perchance it fell off the tree that very day. The fruit of a non-Jew, which, it may be surmised, was plucked that very day, is likewise forbidden even to be handled.

9. It is forbidden to take honey out of a bee-hive. It is likewise forbidden to crush honeycombs, even if they were removed from the hive a day before; thus if they were not crushed before the Sabbath, it is forbidden to use the honey that flows therefrom on the Sabbath; but it is permissible to take the honey that flows in the hive.

10. Fruit that became scattered in one place either in the house or in the court-yard may be gathered, but if they were scattered one here and one there and there is trouble in picking them together, they may not be gathered together in a basket, but he may pick them up one by one and eat them.

11. Peas or the like that are in the pods, if the pods are still green and can also be eaten, they may be opened and the peas be removed there-

from (for it is like separating one kind of food from the other); but if the pods became dry and no longer suitable to be eaten, it is forbidden to remove the peas therefrom. One should likewise be careful not to remove the nut-kernel from their shells when green, nor remove poppy seeds from the shell.

12. It is prohibited to press out fruit to make some beverage therefrom; therefore it is forbidden to squeeze out lemons into water to make lemonade therefrom. There are some who even prohibit to squeeze out fruit with the mouth. At any rate it is important that one at least should take care not to squeeze out the juice from grapes and throw away the shell. However, if one has no need for the juice that comes out, he is permitted to press it out; therefore it is permitted to press out lettuce and cucumbers since the water goes to waste.

13. A woman is not allowed to press out milk from her breasts into a cup or into a pot and give it to her child to suck, but she is allowed to press a little milk out so that the child take hold of the breast and suck it. It is forbidden to sprinkle some of her milk for the sake of some remedy in a case where there is no danger or where the pain is not intense.

14. It is permissible to put congealed fat upon hot food although it melts away. It is forbidden to scrape snow and hail with the hands, i. e., to crush them into small portions in order to extract the water, but it is permitted to put it into a cup of wine or water to make it cold, letting it melt of itself, and there is no apprehension to be had. One should be careful in the winter time not to wash his hands with water in which there is snow or hail; if he does wash with such water, he should be careful not to press it between his hands and not to crush it. It is permissible to break ice in order to take water from underneath. If possible it is best to be careful not to urinate in snow; it is likewise proper not to do it on clay or crushed earth.

15. Food that is mixed with worthless matter, it is permissible to separate the food from the worthless matter, but not the worthless matter from the food. The food may not be separated with a utensil only by hand, and only for the purpose of eating it immediately. In the case of food some of which is to be separated for immediate consumption and some for after, one should be careful to separate what he desires to eat now and not to separate what he wants to leave for after, because that which is desired to be consumed now is considered as food, but what is

wanted to be consumed after is considered worthless matter. Even to remove the shell from garlic or onions and put them away is prohibited because it constitutes "separating." One is allowed to peel only what is required to be eaten immediately. The upper shell of the garlic which surrounds all the parts thereof should be prohibited to be removed even when needed for immediate consumption, because this constitutes a removal which is the secondary act of "threshing."

16. The laws concerning separation apply also to that which is not food, such as utensils and the like, so that whatever one desires to use immediately is considered as food, and the balance is considered worthless matter.

17. It is prohibited to strain any kind of beverage, for concerning this there are many diverse opinions. One is, however, permitted to drink through a cloth, as the laws concerning separation apply only to cases where one prepares the food prior to eating or drinking it, but in this case he is simply holding back the worthless matter that it should not come into his mouth. Nevertheless there are some authorities who hold that to drink water through a cloth is prohibited because it constitutes washing. The last rule may be done away with in cases of emergency where there is no clean water available for drinking purposes, but he should not drink it through the sleeve of his shirt, because in this case there is more apprehension to be felt lest he wrings it out.

18. Coffee beverage, which has at the bottom the true coffee which is the worthless matter, or any other beverage which has at the bottom lees or any other worthless matter, upon emptying it into another vessel one must be carefeul not to pour out all the clear beverage but should leave over a little with the worthless matter. Out of milk that was soured one is permitted to remove the cream from the top only as much as needed for immediate use; and even in this case one should be careful not to remove the whole of the cream but should leave some part thereof on the top of the milk left at the bottom.

19. If a fly, or the like, fell into the beverage or food, one should not remove the fly itself, but he should take some of the food or the beverage and throw it out with it.

20. If one has to crush pepper or salt or the like to be put into food, he may crush it with the handle of a knife upon the table or the like, but should not put it into a mortar.

21. It is forbidden to cut onions or other vegetables, excepting immediately before a meal, and even then he should not cut them into very thin slices.

22. A substance which salt has the effect of either to soften it or to take out the pungent taste thereof, should not be salted because it constitutes work. Therefore it is prohibited to salt raw cucumbers, radishes or onions even whatever is needed for that particular meal, but he may dip it in salt piece by piece and eat. However, eggs, boiled meat and the like, upon which the salt has no other effect than giving it a salty taste, may be salted to be consumed in that particular meal, but it is forbidden to be done for the purpose of putting it away for another meal.

23. It is forbidden to salt much boiled beans or peas together, because the salt serves to make it softer; this is forbidden even when done for the purpose of eating it immediately.

24. Lettuce, cucumbers, and any other relishes that are made of onions or the like, may be salted immediately before the meal, since they immediately put in there oil and vinegar it weakens the effect of the salt. But one is not allowed to salt it and hold it for any length of time.

25. The laws concerning building apply also to articles of food, as for instance, the making of cheese, or putting fruit together and making it even in order to beautify it. Therefore upon chopping onions with eggs or with viscous matter from herring, one should be careful not to straighten it or beautify it, but should leave it as it is.

26. When washing dishes in hot water, one should not pour the hot water upon the dishes, but he should pour the water into another vessel, and thereafter put the dishes in there. He should not wipe them with a cloth lest he wrings it out, but he may wipe it with a cloth specially assigned for this purpose, which one is not particular to wring out even on week days. In washing glasses one should not use oats or the like It is forbidden to wash any dishes on the Sabbath excepting those that are needed for the Sabbath.

27. Whatsoever an Israelite is forbidden to do, he is forbidden to have it done through a non-Jew. Nevertheless in the winter, since it is permitted to heat the stove through a non-Jew for the purpose of warming up the house, it is the custom that the non-Jew places the cold victuals upon the stove before he makes the fire; since the intention in making the fire is not to warm the victuals but to heat the house, there are some who permit it, but only when it was placed before the fire was started and not thereafter. It is certain that if the intention in making the fire is not for the sake of warming the house but for the sake of heating the victuals that it is prohibited in any event; there are some authorities who forbid it even when the intention is to warm the house. Although the custom prevails in conformity with those that allow it, nevertheless a righteous soul should abstain therefrom where the necessity is not so great. Much more

is it the case with the iron furnaces that are made exclusively for the purpose of boiling upon them (ranges), although a fire is made therein for the purpose of heating the house and a non-Jew placed the victuals thereon before the fire was made, nevertheless the God-fearing should keep away from it.

28. He who spills any liquid in a place where the soil is apt to produce something is guilty of violating the law against "sowing", because the liquid causes that the earth should reproduce. Therefore one should be careful not to eat in a garden because it is impossible to be careful not to spill any liquid upon the soil; and, besides, in a garden there is a law forbidding the moving of articles.

29. It is prohibited to wipe anything with a sponge that has no handle.

30. It is forbidden to spit in a place where the wind will scatter the saliva.

31. A girl is forbidden to make braids in her hair on the Sabbath or to take her braids apart. But she is allowed to fix her hair with her hands. It is forbidden to comb the hair with a brush that is made of pig's hair if it is very hard, because it is impossible not to pluck out any hair therewith; but if it is not hard, she may adjust her hair therewith, and much more so if she assigned it for that particular purpose.

32. If there be any dirt on a garment or the like, one may wipe it with a rag or the like, but he is not permitted to spill water thereon, because the putting of water is analogous to washing it. Therefore, if a child urinated on a garment it is prohibited to spill water on it (but if he urinated on the ground or on a vessel made of wood or of leather, it is permissible to spill water thereon). When one washes his hands and desires to dry them with a cloth, it is best to rub them well one against the other to remove the water, so that as little water be left on them as possible (for when there is but little water on them and he dries hem, since it is only mere moisture, it does not constitute washing). In the case of a colored cloth no apprehension should be felt in any event (for this is not subject so much to washing).

33. A barrel containing water, or the like, should not be covered with a cloth which is not specifically set aside for such purpose, lest he may wring it out; but with a cloth specifically assigned for such purpose it is permissible, for since it is so set aside, there is no cause for apprehension that he would wring it out.

34. If water spilled on the table or the like it is forbidden to wipe it with a cloth about which he is particular, for since there is much water, there is apprehension lest he wrings it out. One should likew se not dry glasses or other vessels having a narrow opening with a cloth, for due to the fact that it is narrow the liquid is wrung out.

35. If rain descended upon one's clothes while walking, he may go into the house, and when he removes the clothes he is not allowed to spread them out so that they may dry; even if one's clothes be only moist with perspiration he is not permitted to spread them out. Needless to add that he is not permitted to spread them opposite a fire; even when he is dressed in his clothes he is not allowed to stand opposite a fire where it is very hot. It is likewise forbidden to shake off water from a garment. A costly garment about which one is very particular that no water gets on it, must not even be handled after it was taken off, for there is apprehension that it may be wrung out.

36. If one walks and meets a brook he may jump over it even if it be wide; jumping is better than walking about it in a round about way, because he increases the walking. One is not permitted to cross it lest he wring out his clothes. Even at a place where he can slide into the water, he is not permitted to go on the Sabbath lest he wring his clothes.

37. If he went for a religious purpose, e. g., to meet his father, teacher or one greater in wisdom than himself, he may cross the river, providing he does it in an unusual manner, for instance, he should not remove his hands from underneath his overcoat, so that he may remind himself and not wring out his clothes. He is not permitted to cross having his sandals on, for since he cannot tighten them well there is apprehension lest they fall off and he will return to bring them over, but he may cross with his shoes on. And since he went for a religious purpose, he may return the same way. If one went to guard his fruit (for the taking care of one's property is somewhat of a religious duty) he may cross it while going there but not when returning.

38. Mud on one's garment may be scraped off with the nail or with a knife if it be still moist, but if it be completely dry it may not be scraped off, for it is equivalent to the act of grinding.

39. It is forbidden to shake off snow or dust from a black garment, but it is allowed to remove feathers therefrom with the hand. Some people abstain even from the latter.

40. One is allowed to remove the mud from his foot or from his shoe with something which is permitted to be handled on the Sabbath, or he may wipe it against a beam, but he is not allowed to wipe against a wall or against the ground. In cases of emergency, e. g., when there is excrement on his foot or on his shoe and there is nothing available that may be handled, then he may wipe it against a wall, and if there be no wall, he may wipe it against the ground. If there is water available he may even wash the shoe therewith if it be made of leather (because in the case of leather mere dobbling does not constitute washing, unless it is rubbed as the washers do). It is not permitted to scrape off the excrement from a leather shoe with a knife. Regarding the iron fixed at the entrance for that particular purpose (to clean shoes) if it is sharp no scraping should be done with it, but if it is not sharp, it is permissible.

41. If one's hands became soiled with mud he should not wipe them with the cloth used for wiping the hands (lest he forget and wash it).

42. It is forbidden to dye anything even with a dye that does not last. Therefore a woman is not allowed to paint her face. One should be careful when his hands are dyed from the juice of fruit which he ate not to touch any garment because he thus dyes it. One is likewise forbidden to wipe the blood of his nose or of his wound with a cloth.

43. One is not allowed to put saffron into soup because he dyes it therewith.

44. It is forbidden to tear or twine even two threads or hair that was plucked.

45. It is customary when one desires to tie something with two threads of cords, or when he turns around one thread or one cord and ties the two ends together in the shape of a girdle, that he makes two knots one on the top of the other, because it would not hold with only one knot. On the Sabbath it is not allowed to make two knots one on the top of the other, even when done on a thing which he generally loosens on the same day. One should be careful upon putting a kerchief around his neck not to make two knots; when doing that on the day preceeding the Sabbath he likewise should not make two knots, as otherwise he will not be able to untie it on the Sabbath, as stated infra. To make one knot at the end of one thread or one cord, or to take the two ends, placing them together, and make one knot on both together, it is likewise forbidden, for in this case one knot will last. It is permissible to take the two ends, make one knot and on the top of it one loop, if it is a thing which he generally unties on the very same day, if not it is forbidden even if in this particular instance it is his intention to untie it on the same day. But it is permitted to make two loops one on the top of the other, even many of them, and even in the event it be his intention that it should last so for many days.

46. A knot the like of which is not allowed to be made, is likewise forbidden to be untied. In case of pain it may be loosened through a non-Jew.

47. It is customary with tailors that before sewing a garment they join the pieces with long stitches and thereafter they remove the threads from such stitches. On the Sabbath such threads may not be removed.

48. Garments that are made to put a cord or a strap in them, e. g., trousers, shoes or an undershirt, if the garment is new it is not permissible to pull in the strings, as it is considered as making the garment fit to wear.

In case the garment is old, then if the hole is not narrow so that there is no trouble in pulling it in, it is permissible, but if it is troublesome, it is prohibited.

49. Sometimes a certain seam gets loose and the parts become separated from one another, then the thread is pulled together and temporarily the loose pieces are made tight. This is forbidden to be done on the Sabbath, because it constitutes sewing.

50. Papers which stuck together without intention, just as at times the leaves of a book get stuck together because of the dye wherewith the bookbinder has dyed them, or if some of the leaves were stuck together with wax, they may be taken apart.

51. Vessels which were tied around their opening with a flap and tied with a cord may be torn on the Sabbath, because this is spoiling the food and it is permissible when needed for the Sabbath.

52. It is forbidden to catch any living thing on the Sabbath; it is forbidden to catch even a flea, but if it be on the body of a man and sting him, he is allowed to take it and throw it away on account of the bodily pain. He is, however, not allowed to kill it because it is forbidden to kill anything that possesses life. Concerning lice, however, since they are created only by perspiration, it is permissible to kill them (nevertheless those found on clothes should not be killed, but be taken and thrown away; he may kill only those that are found in the head).

53. Upon desiring to close a chest or a vessel wherein flies are found one should be careful to let them fly out from there first, because when closing it he would catch the flies thereby. Nevertheless it is not necessary that he should carefully examine and see that nothing is left there, but should simply let fly out whatever he can see.

54. It is forbidden to let blood, and it is forbidden even to suck out the blood flowing out of the teeth. It is likewise forbidden to put a plaster upon a wound to pull out blood and puss. And it is certainly forbidden to press out blood or puss from a wound.

55. Shreds of skin, which are like thin stripes that were separated from the skin around the finger nail, should not be removed either by means of a vessel, nor by hand nor with the teeth. A nail most of which was torn off and causes pain, may be removed by hand but not with an instrument; but if not most of it became separated, it should not be removed even by hand.

56. It is forbidden to spill any kind of liquid into vinegar so that this too may be turned into vinegar.

57. Meat which has been salted, and the third day (from the time the animal was slaughtered) occur on the Sabbath, and if it will not be rinsed with water it will become forbidden food, may be rinsed by a non-Jew but not by an Israelite.

58. It is forbidden to smear with plaster, wax or tar. Therefore it is forbidden to put either wax or thick oil into a hole in order to close it up, or to stick it to something for the purpose of making some mark. Food, however, may be smeared, for instance, butter on bread and the like.

59. It is forbidden to break or cut anything which is not food, but whatever is food even only for an animal is permissible. Therefore it is allowed to cut straw wherewith to pick the teeth. It is permitted to pound and to pluck balsam plants for the purpose of scenting them, even if they are as hard as wood. However, it is forbidden to pluck them for the purpose of picking the teeth therewith.

60. It is forbidden to make any use of a tree, no matter whether it be flourishing or decayed, even if he does not shake the tree thereby (as the shaking of the tree is prohibited in itself, it being one of the things forbidden to be handled on the Sabbath); one should not climb up thereon, nor suspend himself therefrom. It is also forbidden to place an article thereon, or take it therefrom, or to tie an animal thereto or the like. It is forbidden to make use even of the sides of a tree, hence, if a basket is suspended therefrom, it is forbidden to take anything from the basket, or put anything therein, inasmuch as the basket counts as the side of the tree; however, if a nail is driven in the tree, and the basket is suspended therefrom, it is permissible to take therefrom or place therein, as the basket is then considered as only contiguous to its side. It is, however, forbidden to remove the basket itself therefrom, or to hand it thereon, as he would thus make use of the nail which is considered as the side of the tree.

61. A vessel in which flowers or plants are cultivated, whether for their beauty or fragrance, are forbidden to be plucked in the same manner that it is forbidden to pluck from a tree. When the vessel is standing on the ground, care should be taken not to remove it from there and place it in some other place, because when it stands on the ground it grows from the odor produced from the soil, therefore he who removes it from there is as guilty as the one who plucks (growing objects). If the vessel stands in some other place it is likewise forbidden to be removed from there and placed on the ground, because then it is equivalent to planting. All these should be strictly observed whether the vessel be of wood or of clay, whether it be with an aperture or without one.

62. It is forbidden to write or to draw a picture, even with the finger, out of the liquid spilled on the table, or on the vapor on the panes of glass, or anything similar thereto although it is not of a durable nature. It is forbidden even to make a mark with the finger nails upon a certain thing as a mark. If wax or the like was found on a book, even if it be only on one letter of the book, it must not be removed.

63. Just as it is forbidden to write, so is it forbidden to erase anything that was written. Nevertheless it is permissible to break and eat on Sabbath those cakes upon which letters or figures were made, but if they were made as a remedy for children, one should follow the stricter opinion.

64. Some authorities forbid the opening or the closing of books upon the edges of whose leaves letters are written, and some authorities permit it. The custom is in accord with the latter opinion, but nevertheless since there is an opinion which forbids it, it is best to abstain from making such writing.

65. One is permitted to say to his neighbour, "fill me up this vessel," even if such vessel is used as a measure, and even if it belongs to the seller, so long as the buyer takes it and brings it home. This is especially permissible if the buyer brings his own vessel and says, "fill up for me this vessel;" in such event it is positively permissible. However, it is forbidden to measure in a vessel used for such purposes by the seller, and empty same in the buyer's vessel. It is permitted to say to one's neighbor, "give me fifty nuts," or the like, on condition that he shall not mention the name of any measure, nor money, nor shall he reckon up with him, saying, "I owe you for fifty nuts, give me fifty more, and I will owe you for a hundred." It is especially forbidden to speak of purchasing, even if the price is not made, and even for the requirements of the Sabbath. On the Sabbath it is forbidden to purchase through a non-Jew; the same law applies to hiring.

66. One is permitted to say to his neighbor, "fill me up this vessel, or give me therein until it reaches this mark, and tomorrow we will measure, or weigh it."

67. Just as it is forbidden to make even a temporary building on the Sabbath, so is it forbidden to make a temporary addition to a permanent structure. Therefore an opening which is not made for general ingress and egress, but is used as such only occasionally, and one made a door for that opening which does not swing on pivots, (the term pivot signifies a piece of wood or iron projecting from the door which is made to fit into an aperture in the threshold and in the upper door-post so that the door should swing both ways; the same applies to the custom prevailing in our countries where they fix the doors with hinges), but he tied it on thereto and hanged it up there to shut the opening therewith, then if there is a hinge in the door, or even if there is no hinge at present but there was once a hinge and now it is broken but the place where it was is still discernable, he may lock therewith on the Sabbath. This is permissible even if it is so made that when it is opened it drags on the ground and when it is to be locked it must be raised and placed on the threshold, since it is fastened and hanging and there is also a mark of a hinge, it is obvious that it is a door

made for the purpose of opening and closing and it does appear as building anything. Especially is it so when it still has a hinge, providing he does not restore the hinge to its place for when doing this he is doing the act of building.

68. If, however, it (the door hereinbefore mentioned) bears no sign of a hinge, it is forbidden to close an opening therewith on the Sabbath for since it is made to be opened only at rare occasions, and it is not obvious that the door was intended to be used as a door, it is equivalent to the act of building. However, if it is attached and hanged up well, so that when it opens it does not drop on the ground, even if it be suspended above the ground as much as a hair breadth, it is then obvious that it was intended to be made as a door, and it is permissible to close therewith.

69. If the door is not attached and suspended at all, but upon opening it it is entirely removed, it is in no event permitted to lock therewith if it is an opening which is not made for constant ingress and egress; but if it be an opening which is made for constant ingress and egress, it is permissible to lock therewith, even if there be no mark of any hinge.

70. A door that is made of one board cannot be used to close an opening therewith if such opening is not made for steady ingress and egress, even if it has a hinge but does not swing thereon, for since it is made out of one board it appears as if he were building and closing up an open space. However, it may be allowed to lock therewith an opening which is used for constant ingress and egress, providing there is a threshold for then it is apparent that it is a door.

71. It is allowed to stop the opening of a window with a stopper, such as a board or anything wherewith a window is stopped, even if it be not attached thereto, providing that he had already once stopped the window opening therewith before the Sabbath, or he thought to close with it before the Sabbath. However, if he had never stopped the opening therewith, neither did he ever intend to do so, it is forbidden to stop it therewith if it is a thing which is customary to abandon it there for a long time; but a thing which is customary to leave it there only for a short time, such as a garment or the like, it may be stopped therewith in any event.

72. Windows or doors, even when they hang on iron hinges and they are easily removed or restored, it is forbidden to remove them from the hinges or reset them, because he who resets them is guilty of building and he who removes them is guilty of demolishing.

73. It is forbidden to sweep the floor even if the floor is made of boards or stones, but through a non-Jew it is permissible. If one is doing it in a manner entirely different than usual, as for instance, he sweeps with goose-feathers, or the like, it is permissible even through an Israelite.

74. One is not to be permitted to rub with his foot the saliva on the ground, but he is permitted to step on it without rubbing it..

75. On the Sabbath it is forbidden to respond to the call of nature in a field that is ploughed. (Inasfar as a field belonging to someone else is concerned it is forbidden there even on weekdays).

76. It is forbidden to make a partition on the Sabbath or on a Festival, be it even a temporary one, if it is made for the purpose of dividing something. Therefore it is forbidden to make a partition with a curtain or the like in front of lights or books in order to have sexual intercourse or to respond to the call of nature, since it is a partition which divides space it makes a separate and distinct domain and it is equivalent to the making of a tent. But it is permissible to cover books with two coverings one on the top of the other because this does not constitute the making of a tent. If the curtain in front of the bed was spread during the day at least one hand-breadth, whether on the top or on the side, the whole of it may be spread on the Sabbath, because it is considered as making an addition to a temporary structure. But when the curtain always hangs ruffled up at one end, this part will not be considered in making up the necessary hand-breadth since it was not intended to serve as a tent. It is likewise forbidden to open a partition that is commonly known as a Spanish wall, unless it was slightly open on the day preceding the Sabbath, but the fact that it remains folded at all times, although this board is wider than one hand-breadth, still it does not make it valid. It is, however, permissible to make a temporary partition when not made with the intention of rendering something permissible, but to serve as a shield from the sun or that wind might not blow out the candles, or the like.

77. It is forbidden to make a tent, that is, a roof that makes a tent, even when it is made only for the purpose of protecting from the sun or the rain or the like; even if it is only a temporary tent, if it is one hand-breadth square it must not be made. Therefore a cradle wherein wooden cross bars are put in upon which a sheet is spread, it is forbidden to spread it on the Sabbath or on a Festival, unless at least one hand-breadth thereof was spread out during the day, for then it is only making an addition to a temporary tent which is permissible. If the cross-bars are close to one another less three hand-breadths apart, they are likewise considered as a tent (for it is the law laid down by Moses on the mountain of Sinai that whatever is less than three hand-breadths apart is considered as closely joined, i. e., as connected and entirely closed up), and therefore it is permissible to spread a sheet on them.

78. It is forbidden to remove the lid of a trunk which is not attached thereto with hinges, because it is equivalent to the destroying of a tent, and it is likewise forbidden to cover the trunk therewith because it is like the making of a tent. When a board is placed on a barrel to make it serve as a table, it is necessary to place it so as to have the opening at the bottom, for if one places the board on the opening he is making a tent thereby.

79. It is permissible to close a chimney opening if it is on the side, for then the closing is considered like the mere adding of a partition, but if the opening is on the top it may not be closed on the Sabbath or on Festivals for then it is like making a tent. If there is affixed an iron door that swings on hinges it may be closed, for since it is affixed permanently it is considered like an ordinary door that swings on hinges.

80. A garment which is spread on the top of a barrel in order to cover it, if the barrel is not entirely full but between the beverage and the cover there is an empty space of at least one hand-breadth, then one may not cover up the whole of it because he is making a tent, but he must leave some part of the opening uncovered.

81. Any partition or tent which may not be made, if it is made it may not be removed, because it is like destroying a tent.

82. It is forbidden to carry a covering as a protection from the sun or from the rain, which is commonly known as an umbrella, because it is considered as making a tent.

83. If vessels that are made up of different sections, put one in the other, were taken apart, then if they were always kept loose they may be put together loosely, but if they were always joined tightly, they may not be put together even loosely. If they were held tight by means of screws, since they were generally joined tightly then upon becoming loose they may not be put together even loosely. However, the covers of the vessel may be taken apart and put together since they are not made for permanence but simply to constantly open them and close them.

84. A press, i. e., two boards one on the top of the other between which two clothes are pressed, if the press belongs to a private man it may be opened and the clothes taken out therefrom for the need of the Sabbath or a Festival, but it is forbidden to be closed, for this is work done for the weekdays. If the press belongs to a laundry man or any other mechanic it may not be opened, for since it is tightly fastened the opening thereof is equivalent to demolishing it. Even if it were open during the day the clothes should not be taken therefrom on the Sabbath or on a Festival for the reason that there is apprehension that it may be opened now when forbidden.

85. It is forbidden to replace the leg of a chair that became loose, and it is also forbidden to lean it against another chair unless one already sat on it in this manner before this incident. However, one is permitted to place a board on benches or on pieces of wood which were prepared the day preceding the Sabbath for this particular purpose.

86. It is forbidden to wind up a clock on the Sabbath or on a Festival although it is still going but that it should not stop. It may be permitted on the second day of a Festival, as long as it is still going, to wind it as much as needed for this particular day but not for what will be needed for the following day. For the sake of a sick person it is permissible in any event if a non-Jew cannot easily be found there.

87. On the Sabbath it is forbidden to make a sound producing any singing either with an instrument or with the limbs of the body (except the mouth). It is forbidden even to strike with the fingers one on the top of the other or to strike on a board to make a sound, or to rattle with the ears or ring a bell so that a child should not cry. It is forbidden to clap with the hands or to dance, but when in honor of the Torah it is permissible to clap or to dance; also the one who is doing it for the sake of the child that he should not cry should not be prevented from doing it, since there are some authorities who permit it.

88. A sound which produces no singing may be made. Therefore it is permissible to knock on the door so that it is opened or the like. Some authorities hold that it is nevertheless forbidden to make a sound with an instrument set aside for this particular purpose, as for instance to knock on the door with a ring that is affixed thereto or with a bell specifically made for this purpose. Those watches that are made to strike the hour by means of pulling a chain made for this purpose, must likewise not be worked on the Sabbath or on a Festival.

89. He who takes care of fruit or plants against animals and fowl should neither clap his hands, nor clap with his hands on his hips, nor stamp with his feet to scare them away just as he is accustomed to do on week days.

90 It is not permitted to play with nuts or the like on the ground even when it is covered with a floor. Nevertheless it is not advisable to prohibit women and children from doing it, because they will certainly not pay attention to it, and it is better that they should be unintentional violators than presumptuous ones.

91. Regarding the folding up of garments there are many diverse opinions, and it is best not to fold any garment.

92. If a garment was caught on fire, it is permissible to spill on it any kind of liquid which is not in the place where the fire is, so that when it will reach the place of the liquid it will be quenched, but it is forbidden to spill water on it.

93. It is not allowed to make the bed on the Sabbath to be used at the conclusion of the Sabbath, although there is still time left during the day wherein he can sleep on the Sabbath itself, nevertheless since it is not his intention to sleep there before the conclusion of the Sabbath, he is preparing something on the Sabbath to be used on week days which is prohibited.

CHAPTER LXXXI.

The Four Classes of Territories with Regard to Sabbath Laws.

1. There are four classes of territories with regard to the Sabbath: the private territory; the public territory; the territory which can be classified neither as private nor as public; and the territory which is exempt. And we shall explain them briefly.

2. What is to be denominated private territory. Any place which measures at least four hand-breadths square (as that space is sufficiently large to make use of), and is surrounded either by partitions at least ten hand-breadths high (even if they are not altogether solid), or by a trench ten hand-breadths deep and four hand-breadths wide. A well ten hand-breadths deep and four hand-breadths square; also a mound ten hand-breadths high by four hand-breadths square, and even a vessel, e. g., a chest, if it is ten hand-breadths high, or a barrel, if it measures four square hand-breadths in circumference, all of the above, even if they are in a public territory or in a territory which is neither public nor private form a separate division by themselves, and constitute a private territory. The open space of a private territory is considered private even to the very sky. The tops of the partitions surrounding private territory are also amenable to the law governing private territory. Should there be cavities in the partitions toward the side of the public domain, even if they are hollow from side to side, inasmuch as one can make use of them in the private territory they are subordinate thereto and are considered as private territories.

3. What is to be denominated a public territory? Streets and marketplaces which measure sixteen paces square for such was the width of the road in the Levite's camp in the wilderness; and roads leading from one city to another, and which are sixteen paces wide are also public territories. Anything that is in the public territory, if it is not three hand-breadths high above the ground, even if it be thorns or excrement over which there are not many that step upon it, they are nevertheless subordinate to the ground and are also considered as public territories. An excavation in the public territory if it is not three hand-breadths deep, it is likewise considered as a public territory. The cavities in the walls on the side facing the public territory the hollowness of which does not extend toward the private domain if they are below three hand-breadths from the ground they are subordinate to the public territory, and are likewise considered as public territories. If, however, they are above three hand-breadths from the ground their proportions must be taken into consideration: if they measure four square hand-breadths, but are lower than ten hand-breadths from the ground they are then considered neither as public nor as private territory; if they are higher than ten hand-breadths, they are private territories. If they do not measure four square hand-breadths they are exempted places and it matters not whether they are above or below ten hand-breadths from the ground. Passages leading to a public territory are variously regarded at times as public territory, and at times as neither public nor private territory and there are many divergent

laws regarding them. There is one opinion that holds that as long as there are no sixty myriads men passing through them daily, as was the case with the Jews in the wilderness, it is not public territory but is regarded neither public nor private territory. Therefore nowadays we have no public territories. But the God-fearing should follow the stricter opinion.

4. What territory is to be regarded as neither public no private? Any place which is not a public thoroughfare and at the same time is not properly surrounded by partitions, such as fields; and a stream which is at least ten hand-breadths deep and four hand-breadths wide, and alleys which are partitioned off on the sides. Basilica (erected in front of shops in which merchants sit and a stand), balconies (upon which merchandise is placed) which are erected in front of posts in the public territory and are four hand-breadths wide by from three or more (up to ten) hand-breadths high, also a place which measures four square hand-breadths and is surrounded by partitions which are not ten hand-breadths high, and a mound which measures four square hand-breadths and is from three to ten hand-breadths deep; there are, besides many other territories which are regarded as neither public nor private (*Karmlith*) (which word is compounded *rach* and *mol*, i. e. neither tender nor dry but medium, the same applying here, as it is neither a private territory inasmuch as it had no proper partition, nor a public territory, inasmuch as many do not go there.)

5. Which is an exempted place? Any place in a public territory which does not measure four square hand-breadths and is three or more hand-breadths high, or a well which does not measure four square hand-breadths and three or more hand-breadths deep. Likewise a place which does not measure four square hand-breadths and is surrounded by partitions of three or more hand-breadths in height. All of the above places are neither public nor private, only when they are in a public territory; but when they are in territories which are neither public nor private, they are likewise considered as such.

CHAPTER LXXXII.

The Prohibition of Removing or Taking Out of One Domain to Another.

1. In a public territory and in a territory which is neither public nor private it is forbidden to carry anything four paces; it is forbidden either to carry, to throw, or to hand it. To carry it several times even if each time he carries less than four paces, it is also forbidden.

2. It is forbidden to carry, throw, or hand anything from a private territory to a public territory or to a territory which is neither public nor private; or to carry from a public territory or from territory which is neither public nor private into a private territory. It is likewise prohibited from a public territory to a territory which is neither public nor private, nor from the latter to the former, but it is permissible to carry out and bring in from a place which is exempt to a territory which is either private, pub-

lic, or which is neither public nor private, and from the latter to the former, providing one does not carry the article four paces in the territory which is either public or which is neither public nor private. Now, inasmuch as there are different laws as to what constitutes a public territory, and a territory which is neither public nor private and what is a private territory, therefore in a city which is not provided with an *'erub* (a symbolical act by which the legal fiction of community is established) one who is not well versed in the law should be very careful, not to carry any article from the place where it lies to a different place, unless it is clear to him that it is permissible to bring it there.

3. The taking of an article from the place where it lies is called *'akirah* (dislodging) and putting down that article is called *hanachah* (depositing). Dislodging without depositing, or depositing without dislodging are also forbidden, hence an Israelite is forbidden to hand to a non-Jew any article in order that the latter should take it from a private territory and bring it to a public domain, or to a territory which is neither public nor private, as thereby the Israelite does the dislodging, but the non-Jew himself should take the article. When a non-Jew brings an article, the Israelite should not take it from his hand, as thereby he does the depositing, but the non-Jew himself should put down the article. Care should be taken in a case where a non-Jewess brings in an infant to synagogue for circumcision, that she herself should take the infant from the house, and when coming into the court of the synagogue she should put it down, and a Jewess should then take it.

4. A court in which there is a breach, if what is left of one side of the partition is four hand-breadths wide by ten hand-breadths high above the ground, or if two sides of the partition are left each measuring one hand-breadth wide by ten hand-breadths high, then if the breach does not measure more than ten cubits, it need not be repaired, as that breach is considered as the door. If, however, the breach is more than ten cubits, or if there was not left of one side of the partition the width of four hand-breadths, or of two sides the width of one hand-breadth of each, moreover, if it was a complete breach, i. e., no partition having been left at all on one side, like this ⊏, then even if the breach only measures three hand-breadths carrying is forbidden in that court until it be repaired (and the best way to repair it is to make it) in the form of a door. (If there live two or more inhabitants in such court, then an inter-community for courts must be established; vide chapter xciv).

5. We have declared that if the breach in the court did not extend to more than ten cubits we could regard it as a door, and it is not necessary to repair it, this applies where there is only one breach, if, however, there are two or more breaches, it is essential that there be, at least, as much left standing as what has been broken down. If, however, the breach is more than what remains standing, wherever the breach measures more than three hand-breadths it requires repairing

6. What is the form of a door? One should erect two posts on each side of the breach, not less than ten hand-breadths high, and lay a stick or cord upon them. It is essential that the stick or cord lay upon their tops, and not at their sides, and if one drive nails in the heads of the posts and tied the cord around them, it is done properly. It is necessary that neither of the posts be at a greater distance from the partition than three hand-breadths, nor should they be more than three hand breadths from the ground. In an emergency, where it is impossible to make the form of a door otherwise than by placing the posts at a greater distance than three hand-breadths from the walls, this law may be relaxed.

7. The entrance of a house which opens towards the street and whose door opens inwards, and whose door-posts, lintel and threshold are toward the street, this place is at times considered a private territory, and at times a territory which is neither public nor private. Inasmuch as not all are versed in these laws, therefore, because of the uncertainty, the laws applying to a private territory as well as those which apply to a territory which is neither public nor private must be rigorously observed in regard thereto. It is forbidden to carry from thence to the street, as that is a public territory, or to a territory which is neither public nor private, or from the street to that place, for it may be a private territory. It is likewise forbidden to carry thereto from the house or a court, or vice versa, for it may be a territory which is neither public nor private; if, therefore, the door is locked and it is necessary to unlock it, care should be taken to have a non-Jew insert the key in the lock, and after the door is unlocked, the non-Jew should remove the key before the Israelite opens the door, for if the Israelite should open the door while the key is in the lock, he will thereby bring the key from the territory which is neither public nor private to the private territory.

8. In many places there are houses where the roof projects from the wall of the house over the street, where it is supported upon pillars. It is prohibited to carry from the house to that place (beneath the projection) or from thence into the house. It is also forbidden to carry anything there four cubits, as it is amenable to the law relating to a street, either as a public territory or a territory which is neither public nor private and although the room juts out upon the pillars making the form of a door which the law regards as a partition, yet as there are no partitions at the side thereof, it is not regarded as a partition. It is therefore necessary to erect one post on one side near the wall of the house, opposite the pillar which supports the roof, thus making another form of a door, and another on the other side. If many houses adjoin each other in a similar manner, it is sufficient to make this at each side of the outermost house, and they should then symbolically establish an inter-community of courts.

9. It is permitted to place food before a non-Jew in a court or in a house, although it is known that the latter will carry it outside, so long as he doesn't give it to him in his hand, and thus cause dislodging. The above

is permitted only if the non-Jew is permitted to eat it there should he desire to do so, but if he is not permitted to eat it there, or if there be a great deal of food, so that it would be impossible for him to eat it there, or if he is given other articles, which it is apparent the non-Jew will carry out, it is forbidden, for it appears as if he gave it to him with the understanding that he carries it out.

10. A woman may lead her little child, even in the public ground. She should, however, not drag it, but the child should lift up one foot and put the other one on the ground, so that it support itself thereon while putting down the foot it has lifted up, thus ever supporting itself on one foot. If, however, she drags the child, trailing both its feet along, it is just as if she carries it, and it is forbidden, even in a territory which is neither public nor private. To actually carry the child is forbidden, even if it is big enough to walk itself, and even in a territory which is neither public nor private. For the principal that a living being carries itself applies only to the law that he who carries it is exempt from sacrificing a sin offering, but there is nevertheless a violation of a rabbinical enactment. In the case of a territory which is neither public nor private it is a rabbinical law based upon another rabbinical law and it is necessary to warn the many who err in regarding this.

11. It is prohibited to draw water from a river that runs through a court yard.

12. It is forbidden for one to stand in a private territory and to throw water or spit into a public territory or into a territory which is neither public nor private, or vice versa; or from a public territory into a territory which is neither public nor private. It is likewise forbidden to one to walk four cubits in a public territory or in a territory neither public nor private, or from one territory into another having the saliva in his mouth, if it was already removed while in his mouth from one place to another.

13. It is permitted to pour out waste water in a court-yard which measures four cubits square, although it runs out on the public territory.

CHAPTER LXXXIII.

The Enclosure of a Partition is of Avail only when Fenced Around Dwellings.

1. The partitions with which an enclosure is fenced around make carrying permissible therein only when it was fenced around for dwelling purposes. By dwelling purposes we term when one builds a house to dwell in, or when one opens a door from his house and fences it around by partitions, after the manner of courts which are built for houses, then, no matter how large the enclosure is, it is an absolutely private territory; all enclosures, however, that were fenced around for other than dwelling purposes, such as gardens and orchards, where the fences are made only for the purpose of guarding their contents, these are affected by their differ-

ence in size. If it is not larger than two *saahs*, it is permitted to carry therein; but if it is larger than two *saahs* it is regarded as a territory which is neither public nor private.

2. What is the measure of two *saahs*? One hundred cubits in length by fifty cubits in width, if it is a quadrature it is equalled by seventy cubits and four palms by seventy cubits and four palms. If the area is circular or otherwise circumscribed, it is likewise essential to reckon so that it should measure five thousand cubits square, then it is permissible to carry therein. If however, the enclosure is larger than that space, or even if it is not larger than that space, but its length is more than double its breadth, even if only by one cubit, then it is forbidden to carry therein, for it is then considered more than two *saahs*, since it is not equal to the court of the Tabernacle.

3. An enclosure which was fenced around for other than dwelling purposes and which is not larger than two *saahs*, making carrying therein permissible, if there is a court adjacent thereto, it is likewise permissible to carry from there to the court, and vice-versa, utensils which were in the court on the Sabbath, as that enclosure and the court are considered as one domain. The enclosure, however, is not considered as of the same domain as the house, hence it is forbidden to carry from thence to the house, or vice-versa, utensils which were in either of these places.

4. An enclosure which was fenced around for other than dwelling purposes, e. g., when it was previously fenced round by partitions and the dwelling was built afterwards, or he afterwards made a door in his house leading thereto, how can it be legally converted into an enclosure fenced around for dwelling purposes? By making a breach in the partitions measuring more than ten cubits (as a breach of ten cubits is regarded as a door, but if more than that it is a breach), thus making them invalid to serve as partitions, after that he should repair the fence and it will be considered as having been fenced around for dwelling purposes.

5. If one has planted trees in a court which is larger than two *saahs*, even a large number of them, it did not thereby cease to be a dwelling and the fence is considered as made for dwelling purposes, as one is accustomed to seek the shade of trees. If, however, he planted vegetables therein, and it extended to the greater part of the court (even if it is not in one area, but planted sparingly) it then ceases to be a dwelling, and it is all considered as a garden. If, however, it is planted in the lesser part of the court and the planted place is less than two *saahs*, it is included in the court and the whole of it is regarded as a court. But if it is larger than two *saahs* (in one place), then the place which was sown is regarded as a territory which is neither public nor private, and the remainder of the court, being open to its full size to a place which is prohibited (to carry into or from it), it is forbidden to carry therein four cubits.

6. A court which only contained the space of two *saahs* or less, and part of it was planted, should be judged by the greater part thereof. If the greater part thereof be planted, although carrying be permissible therein, inasmuch as it is no larger than two *saahs*, it is nevertheless forbidden to carry thereto utensils which were in the house on the Sabbath; it is therefore necessary to make a partition in front of the garden in order that it be permitted to carry from the house or to the court.

CHAPTER LXXXIV.

Laws Concerning the Carrying by Means of a Garment or Adornment.

1. Any article that is neither a garment nor an adornment is forbidden to be carried out in a public territory which is neither private nor public. Hence, one is forbidden to go out with a needle stuck in his garment, or even a pin; even for the requirements of dressing should a man scrupulously abstain from carrying it. However, a woman (inasmuch as it is the custom of women to fasten their bands, such as veils or the like, with pins) is permitted to go out with them for the requirements of her dressing, and only with a pin and not with a needle.

2. Regarding ornaments there are also certain things which our Rabbis, of blessed memory, forbid to be carried in a public territory. There are some ornaments forbidden to men, and some forbidden to women, such as there is aprehension that she may remove them to show them to somebody. Now the custom prevails to permit it, and the authorities have given reasons therefor, but the God-fearing should be strict about it. Especially should a man be careful not to go with a ring on which a seal is not engraved and the more so should he abstain from carrying his watch with him, even if it is attached to a gold chain which he wears on his neck and is an adornment. The watch which lies in the pocket is a burden and cannot be permitted to be carried.

3. A silver key, although it is made for use, but since it is also made for an ornament, it is customary to allow to carry it out on the Sabbath, but eye-glasses, although they are framed in a silver frame, may not be carried out.

4. A woman is not allowed to put a cloth on her veil, and likewise a man on his hat, on account of rain, because it is not a garment, but if their intention be only that the rain should not bother them, it is permissible.

5. One who is lame, or convalescent, likewise one who is very old and it is impossible for him to walk without a staff, is permitted to go with a staff in his hand; however, if it be possible for him to walk without a staff, and he does walk without a staff at his house, only that he takes it

in the street to support himself thereon, is forbidden to do so. The blind man is forbidden to walk out with a cane in a town which is not fixed with an *'erub*. The one who has no need at all for a staff is not permitted to walk out therewith on the Sabbath even in a place where there is an *'erub* on account of the contempt for the Sabbath.

6. He who is fettered with chains may go out therewith on the Sabbath.

7. It is forbidden to go out on stilts, these are high pieces of wood in which there is a place for the palm of the feet and by means of these they walk in mud and water.

8. One may go out with a plaster upon his wound (providing he should not place it on the wound on the Sabbath, as provided in Chapter xci, 10, infra), for since it heals it is like an adornment. He may also wrap it around with lint which is not of value and which is subordinate to the plaster. However, an article of value, as for instance a handkerchief or the like, he is not permitted to wrap around it, because it is not subordinate to the plaster, neither is it a garment, but is a mere burden.

9. One may go out with the cotton placed in the ear in order to absorb the puss that comes from the ear, providing it is well tied so that it should not fall out from there. One may likewise go out with the cotton or straw in his shoes, if it is put there in such a manner that it cannot fall out.

10. A woman is not permitted to walk out with the cotton which she has prepared for her menstrual period, in order not to soil her clothes, neither should she walk out with the belt which she puts on for the same purpose, unless it is a true garment. But if she puts the cotton or the belt to save her from anxiety, i. e., if the blood will drip on her skin and dry up she will feel worried, she is permitted to go out with these.

11. In a place of mud or clay one may raise his clothes slightly so that they should not be soiled, but he is not allowed to raise them entirely.

12. It is permissible to go out with two garments on the Sabbath, wearing one above the other, even if he does not need to wear the other garment himself, and only takes it out for a neighbor who needs it, or the like. This is only true when at times he is accustomed to wear two such garments on weekdays, thus it is his usual costume (even if most of the time he does not dress himself thus). If, however, he was never accustomed to wear such two garments, he is forbidden to go out with them on the Sabbath, because the second one is like a mere burden. The same law applies to two felt-shoes, and with a big hat over a small hat, and the like.

13. Regarding two girdles one above the other, if it is the custom of the place to gird oneself thus having underneath a cheap girdle and over it an expensive one, it is permissible to do so on the Sabbath, although now he is in need of only one girdle and the second one he puts on because he needs it for some one else. If, however, it is not customary to put on two girdles, although he himself chooses to so dress himself, but since one suffices for him, the second one is considered as a burden. And in any event it is permissible to go out with two girdles when there is a garment intervening between the two, as for instance, when the one underneath is on the pantaloons and the one above is on the cloak, for then he has benefit and use of the two.

14. It is customary to wrap a kerchief with which the nose is wiped around the upper garment above the trousers, but one should be careful not to make two knots therein one above the other. And the God-fearing if he is accustomed to wear suspenders that hold up the trousers, should remove them on the Sabbath, so that he can have the kerchief used for that purpose. Some are accustomed to wrap the handkerchief around the neck. This is not permissible unless he wears no other neck-kerchief, and he is accustomed to wear a neck-kerchief at times because of the cold. But if he merely throws it around his neck and its corners hang loosely in front of him, it is positively forbidden. It is likewise forbidden to put it around one's leg or hand, and go out with it thus.

15. Regarding gloves some permit to go out with it on the Sabbath, while others forbid it. The thing that is made to warm the two hands together (a muff), may be declared more permissible.

16. It is permissible to go out with a fringed *talith* dressed after the manner of a garment, but if he wraps it around the neck where it is not customary to put it on, it is forbidden.

17. A garment which has two straps or laces to tie it with, or hooks to fasten it with, if one of them tore off, although the remaining one is of no value, nevertheless if he intends to repair it later, by procuring its mate, the remaining one is not subordinate to the garment and is like a burden, and it is forbidden to go out with such a garment. However, if he does not intend to repair it later, the remaining one is of no value, and is subordinate to the garment, and it is permitted to go out therewith. If it is an article of value, such as a silk loop or a silver hook, even if he does not intend to repair it, it is not subordinate to the garment and it is forbidden to go out therewith.

18. Bald headed persons who put on their heads combed flax or

beaten wool so that it may appear as hair upon their heads (a wig), may go out therewith on the Sabbath in a public domain, because it is considered as their adornment (providing it was prepared before the Sabbath).

19. He who wears a talisman must consult the wise as to whether or not he may go out therewith on the Sabbath, because not all the talisman are alike. A woman who wears a stone commonly called *Sternshus* so that she should not give untimely birth, is permitted to go out therewith on the Sabbath.

CHAPTER LXXXV.

Laws Concerning a Fire that Broke Out on the Sabbath.

1. If, God forbid, a fire broke out on the Sabbath, our Rabbis, of blessed memory, apprehended that the owner of the house as well as the members of the family, who are disturbed and terrified on account of their property, that due to that they would forget that it is Sabbath and would extinguish the fire. They therefore decreed that it is forbidden to save even articles permissible to handle and be brought to a place where it is permissible to carry it out there. Only that which is required for the needs of the day may be saved, as for instance, if the fire broke out on Sabbath eve before the meal, he may save food for three meals, whatever is suitable food for a man or for an animal; if it occurred in the morning he may save food for two meals, and if in the afternoon, food for one meal. If one vessel contains much food, as for instance, a vessel containing many loaves of bread, or a barrel full of wine, or the like, since he is able to move it out in one time it is permissible to do so. If he spread out a sheet or the like and put therein whatever he could of food and liquid and takes it out at one time it is likewise permissible. He is also allowed to take all the vessels that he needs for the use of the day.

2. He may say to others: "Come and save anything you can for yourselves," and everyone may save food that he needs or a vessel containing even much food. Whatever is thus saved belongs to the one who saved it since the owner renounced his ownership thereto, and the former obtained possession of public property. If he is a God-fearing person and restores to the owner whatever he saved, since he is aware that he did not abandon it with his good will, he is permitted to receive compensation for saving it. This will not be considered money earned on the Sabbath because according to law it belongs entirely to him. Nevertheless it is a virtue of the pious not to accept any compensation for the trouble incurred in saving anything on the Sabbath although it is not considered as money earned on the sabbath, because the pious should be liberal with his own in anything wherein there is involved a thing which people consider a wrong.

3. All the foregoing applies only to a place where it is permissible to be carried on the Sabbath, but to a place where it is forbidden to be carried out, nothing may be saved. But one may put on garments as many

as he can or wrap himself therewith and carry them out even into a public domain; he may then take them off and put on others and bring them out, and this may be done the entire day. He may even say to others: "Come and save," and they may save in such manner.

4. The houses in which there is no fire, but they are near to the fire and the owners fear that it will reach there as well, since they are not greatly terrified they are allowed to save anything and bring it to a place where it is permissible to be carried to. Some authorities are of the opinion that money and other precious articles although they may not be touched on the Sabbath, may be saved from a great sudden loss, such as fire, a flood of water, or a robbery, by placing on them some food and carry them together (but in any other case this does not constitute a remedy whereby anything that may not be touched can be handled). Other authorities are even still more lenient about this and hold that they may be carried out even by themselves, because in the case of a great loss which comes suddenly, the law forbidding the handling of certain articles is thrown aside, providing he should not remove it to a place to which it may not be carried.

5. All sacred books, whether written or printed, may be saved from a fire, a flood or the like, and carried even into a court or into a lane whereto it is forbidden to be carried out because there was no *'erub* made, providing they are in a condition where an inter-court *'erub* or the partnership of the lane would make it legal (to carry things thereto). It is permitted to save them by a non-Jew even when they have to be carried to a public domain.

6. It is permitted to save the case of the book together with the book, and the case of the *t'philin* together with the *t'philin.*

7. A scroll of the Torah should be saved in preference to other sacred books.

8. If there is a doubtful apprehension of the loss of life, it is permissible to extinguish the fire. Therefore in places where Jews live among non-Jews it is permissible to quench the fire even when it is in the house of a non-Jew; and all depends upon the circumstance of the case. It is only permissible to quench the fire, but it is forbidden to defile the Sabbath in order to save some money (property). If one violates the law and does defile the Sabbath, he should go to the Rabbi, who should point out to him the way to repentance.

CHAPTER LXXXVI.

Laws Concerning Washing One's Self.

1. It is forbidden to wash one's body, or even the greater part of his body, with warm water even if such water was made warm on the day preceding the Sabbath. Even to wash the greater part of the body not at one and the same time, but limb by limb, is likewise forbidden. It is

forbidden even to enter a place only to perspire, but it is permissible to wash one's face, hands and feet with water made warm before the Sabbath.

2. Water which flows warm from its origin, such as the hot springs of Tiberias, or the like, if it is in the ground and the place is not roofed it is permissible to wash therewith the entire body; but if it is in a vessel or if the place is roofed, it is forbidden. Even to enter the bathhouse only to perspire it is forbidden. Some authorities hold that as long as the water is in the ground although the place is roofed it is permissible to wash therewith.

3. It is permissible to wash the entire body in cold water, providing he does not thereafter stand in front of an oven to warm himself up, for then it is the same as washing in warm water. Even if one had washed only his hands in cold water, he is not allowed to warm them by an oven while they are still moist, because it is equivalent to washing in water which was warmed up today, and it is forbidden to wash therein even only one limb of the body, but he must first dry them well. Vide ixxx, 32, where it is stated that one should rub his hands well before drying them, so that there be only little water left.

4. He who washes must be careful not to squeeze his hair. It is likewise necessary to take care not to swim, because it is forbidden to swim on the Sabbath and on a Festival. It is also forbidden to make anything float, such as ships that are on the surface of the water. If one washes himself in a place where it is forbidden to carry on the Sabbath, he must further be careful to remove all the water from his body and from his hair before going out, and dry them well so that no water be left which should be carried out from one domain into another. In the river itself it is likewise necessary to be careful not to walk four cubits with the water that is upon him, because the river is a territory which is neither public nor private. And because not everybody is competent to take care of all this, therefore it has become the custom in our countries not to bathe at all on the Sabbath even in cold water; unless it be for the sake of performing a religious duty, as for instance of woman during her menstrual period (Chapter clxii, 7, infra), or a man after a nocturnal pollution.

5. It is permissible to stand by the river side and wash the hands in the river, because the river is considered a territory which is neither public nor private and the bank is considered the same, the carrying out therefore of the water upon his hands from the river to the bank constitutes no violation, because it is permissible to carry from one territory which is neither public nor private into another when it is less than four cubits, but he must first dry his hands well before walking four cubits.

6. It is permissible to rub the hands in bran even if the hands are wet, providing the water is not placed upon the bran itself, but it is prohibited to rub the hands with salt and much less is it permitted with soap because it melts.

7. Water which is used only for medicinal purposes but not for bathing, as for instance, when it is bad or filthy, one is not allowed to wash therewith on the Sabbath, for it is obvious that he is using it as a cure. This is only true when he tarries too long therein, but when he does not stay too long it is permissible, for it looks as if he is only cooling himself. The hot springs of Tiberias or the like, if it is only customary to bathe in it for a cure, one is not permitted to bathe in it as a cure even if he does not stay long there.

CHAPTER LXXXVII.

Laws Concerning the Resting of One's Cattle on Sabbath

1. It is written: "That thy ox and thy ass may repose". Thus has the Torah admonished us that the cattle of an Israelite should also repose, and not alone the cattle, but all animals as well. Hence it is forbidden to suffer one's beasts to carry out a burden. Even if the beast voluntarily went out on a public domain, carrying a burden, its owner has thereby transgressed a positive law of the Torah, even if it is there as an ornament, it is nevertheless a burden. If, however, it is for the purpose of curing it, such as a bandage on a wound, or it is there for guarding it, then it is considered like a garment in the case of a human being, and it is permissible to let it go out therewith. But that which is superfluous as far as guarding of one's animals is concerned, it is prohibited. Anything that is not necessary for the guarding of one's animal, although another animal is guarded thereby, is considered to the former as a burden and it is forbidden.

2. A horse may go out either with a halter or with a bridle, but not with both. It is permissible to tie the rope to the halter around its neck and it may go out therewith, but it should be tied loosely in order that one may be able to easily slip one's hand in between the rope and its neck to draw it, should it attempt to run off; and it is permissible to handle the halter and to put it on the animal, but not to lean upon it, as it is forbidden to support oneself upon an animal on the Sabbath. An ass, however, should not go out with an iron bit, as that is a superfluous safeguard for an ass. An ox and a cow which require no guarding it is forbidden to let them go out with a rope round their necks, unless they are in the habit of running away. If he tied a rope on the horse's mouth it is considered a burden, inasmuch as it is not guarded thereby, as it slips from its mouth, and it cannot be compared to the halter which is tied to its head.

3. Neither a horse nor any animal should be suffered to go out with a saddle cushion tied on to its back. An ass may be suffered to go out with a saddle cushion to protect it from cold, because it is natural with it to catch cold. If he tied on the cushion before the Sabbath, it may go out with it because it is its garment. But if it isn't tied on, it may not be suffered to go out with it, for the apprehension that it may fall off and he will be compelled to bring it in with his own hand, and on fall off and he will be compelled to bring it in with his own hand, and on the Sabbath he is not permitted to tie it on because he will necessarily have to come near it and lean upon it. But when the ass is in the yard, he may put it on on account of the cold, provided it should not be suffered to go out with it. But on a horse no blanket should be put on, unless because of extreme cold that may harm the horse. In the summer when flies are in abundance and torment the horse, a blanket may also be put on it, provided he does not lean on the animal while covering it. It is prohibited to remove the cushion on the Sabbath, either from an ass or from a horse, since the animal suffers no pain on account of that.

4. It is forbidden to let an animal go out with a bell, even if it is cracked and it does not ring, and even in the city in which a symbolical intercommunity was established by an *'erub*, it is forbidden to let them go out therewith; but it is permissible to let it go out therewith in the court. If, however, the bell is not muffled and it rings, it is forbidden to let it go therewith even in the court.

5. It is permitted to lead a horse by the rope attached to the bridle, but he should grasp the end of the rope and not let it slip out of his hand as much as the length of the palm, nor should the rope between his hand and his beast reach as close as a hand-breadth to the ground. If the rope therefore, is very long, he should coil it around the horse's neck.

6. If two or more animals are tied to one another, and one holds only one rope in his hand by which he leads them, such a thing must not be done on the Sabbath. One may, however, take hold of many ropes in his hand and lead many animals at one time, if done as prescribed in the foregoing paragraph.

7. Cocks may not go out on the Sabbath with the thread tied on to them so that they may be recognized, or for the purpose that they may not break vessels. But if their feet are tied with a cord so that they should not run away, or when two feet of a horse are tied together while grazing in the pasture so that it should not run away, it is permissible to let them walk out therewith, providing it is neither *'akud* nor *ragul*. *'Akud* refers to tying foreleg to hindleg, and *ragul* refers to bending one of the legs upward and tying it, so that it should be able to walk only on three legs; this is forbidden to be done even on a week-day, because it causes suffering to the animal.

8. One who has a non-Jewish domestic who rides upon the beast when taking it to water it, need not be prevented from doing it. Because

riding is prohibited on the Sabbath, not because it is considered a burden upon the animal, for a living being carries itself (which is forbidden only by a Rabbinical enactment and does not apply to an animal); but the prohibition of riding refers to the man, because an Israelite may not ride on the Sabbath, but in the case of a non-Jew we are not concerned with it. Even if he puts a saddle or a garment upon it to ride thereon it is permissible, as they are subordinate to the rider, but he should not put anything else upon the beast.

9. It is permitted to bid a non-Jew to milk the cows on the Sabbath, in order to relieve the animal's suffering, as the milk causes them pain. It is, however, forbidden even to handle that milk on that day, therefore the non-Jew should put it away where it can retain its freshness. It is also permitted to tell a non-Jew to fatten the geese once on that day to relieve them of their suffering.

10. It is forbidden to lend or hire his beast to a non-Jew unless he make it a condition with him that he should return it to him before the Sabbath. And if it happened that he did not return it, the Israelite should renounce his ownership thereof before the Sabbath, even when he does it by himself, in order to save himself from violating a prohibition. It is, however, forbidden to lend or hire originally with such a contingency in view.

11. One should not measure oats in order to give it to his beast, but one should use judgment in averaging it.

12. A bundle of fodder which is not knotted permanently (i. e., doubly knotted) may be unknotted and given to the cattle. It is also permitted to cut hard cucumbers for the cattle, providing they were torn up the day previous. If the cucumbers are tender and they are able to eat them as it is, it is forbidden to cut them.

13. It is permitted to let one's beast stand upon herbage which is attached to the soil, so that they feed thereon because the plucking of the grass is no work for them but mere pleasure. An herbage which a non-Jew has torn up on the Sabbath and is thus *mukzah* (forbidden to be handled) it is forbidden to let cattle stand thereon and feed themselves. But if there is nothing else to eat, then it is permitted in order to relieve the animal of its suffering. If it has nothing to drink one is likewise permitted to tell a non-Jew to bring water from a well in a territory which is neither public nor private.

14. One should not hang a bag or a vessel around a beast, in order that it may eat therefrom, inasmuch as it is merely for the pleasure of the beast, so that it need not bend its neck, and it is forbidden to bother oneself on the Sabbath for the enjoyment of the beast. Bullocks, however, and foals which have short necks and it would cause them suffering to eat from the ground, it is permitted to hang around them a vessel with food when they are in a court, but they should not be allowed to go out therewith as it is considered then as a burden.

15. One should not cast corn for poultry on moist ground, as some may possibly remain there and afterwards sprout forth.

16. One who gives provender to cattle is not permitted to put it first in a sieve to take out the chaff or to purify it, but if he does not put it there with that intention, he may take the provender in a sieve and put it in the manger.

17. One who gives bran to cattle or poultry is forbidden to put water therein, and if he put water therein on the Sabbath eve, he is forbidden to stir it on the Sabbath, but he is permitted to pour it from one vessel into another in order to mix it together.

18. Cattle, beasts and poultry which are raised on one's premises, and therefore it is his duty to provide them with food, he is permitted to give them food on the Sabbath. But those who are not raised in one's house and one is not obliged to feed them, he is forbidden to bother himself in order to provide them with food. It is even forbidden to throw the food before them. Hence, it is forbidden to put food before doves, as they go and eat in the field. One should place food before a dog, even if it have no owner. It is in some degree fulfilling a commandment to give it food, for verily, the Holy One, blessed be he, took compassion upon it: for its lack of much food, He caused its food to remain in its stomach (thus nourishing it) for three days. Some are accustomed to cast wheat to fowl on the Sabbath when the *shirah* is read, but it is improper to do so, since one is not bound to feed them.

19. It is permitted to invite a non-Jew to dine at one's house on the Sabbath; and although it may not be done on a Festival for the apprehension that he may have to increase his food on his account, but on the Sabbath no such apprehension is to be had. Moreover, it is permitted to even serve him alone, although it is not his duty to provide him with food, but since a non-Jew is to be provided with food for the sake of preserving peace, and then it is considered as one's duty to provide him with food.

20. Animals, beasts or fowl that not yet trained to come to their cages in the evening; or even in a case where they are trained to do so, but they happened to escape this time, it is forbidden to make them enter into the cage or into the house; even if they are already either in the house or the cage, but the door remained open, it is forbidden to close the door on them, because by means of this they are caught, and it constitutes the violation of laying a trap (on the Sabbath).

21. If the above are already trained and domesticated and are accustomed to enter in the evening to their assigned places, but they happened to go out, and the owner is afraid lest they be stolen, he may push them into a place of safety, but he is not permitted to touch them with his hands because they may not be handled (on the Sabbath).

22. One may not deliver an animal on the Sabbath, not even to support the animal, i. e., to hold the offspring that should not drop to the ground.

23. A fresh wound which causes suffering to the animal, may be smeared with oil, but at the end when the smearing is only for the sake of enjoyment, it may not be done.

24. One whose beast is in pain from over-feeding on cresses and the like, may make it run in the court, in order that the exercise may cure it. If it suffers from a rush of blood, he may let it stand in water to cool it. If there is a doubt as to whether it will not die unless it is bled, it is permitted to tell a non-Jew to bleed it. Other remedies as well should be applied to it through a non-Jew.

CHAPTER LXXXVIII.

Laws Concerning that which is forbidden to Handle on the Sabbath.

1. That which one had intentionally set apart, such as food which one had purposely set apart not to partake thereof on the Sabbath, it being unfit to eat except in an emergency, or that which is fit to eat even when not in an emergency, but which one had designated as merchandise even if he stored it away; likewise something that is on that day fit food for a dog, although on the Sabbath eve it was not intended to serve it as such e. g., cattle or poultry which were rendered as unclean as a carcas on the Sabbath; likewise a thing that on that day assumed a different appearance from that of the previous day but which is nevertheless still fit for some use, such as utensils which were broken on that day, but are yet in some manner fit for use to which they were put originally as a receptacle for food or drink; also bones from which the meat was picked on that day and are fit food for dogs, all these it is permitted to handle on the Sabbath, except that which one temporarily rejects, such as figs and raisins (in the process of drying).

2. That which in its original state is absolutely unfit for the food of a human being even in an emergency, because they required cooking, although it is fit food for cattle or dogs, inasmuch as it will afterwards supply food for man, it cannot be considered as designated for cattle or dogs; likewise that which is unfit for any use on the Sabbath, such as wood, the feathers of fowls, the skins of animals, and wool and flax, also all animals, even those which are in one's house, and the shells of nuts and of eggs, and hard bones which are not even fit for dogs, and doors and windows (as it is forbidden to hang them up on the Sabbath); likewise, the fragments of broken utensils which are not fit for any further use, all

these and similar things it is forbidden to handle. Nevertheless it is permitted to remove fragments of broken glass where they may cause injury.

3. Food, the eating whereof is forbidden but of which one is permitted to derive benefit, and it is proper food for a non-Jew in its present state, such as cooked meat and the like, and he is able to give it to the non-Jew, as it belongs to him, one is permitted to handle it. If, however, in its present state it is not fit for a non-Jew, such as raw meat (and neither can it be considered as designated for dogs, since it is fit food for a non-Jew) ; or if he is unable to give it to a non-Jew, because it belongs to someone else, he is forbidden to handle it.

4. A thing "newly born", i. e., that which has originated on that day, such as ashes from a fire kindled on that day through a non-Jew, or an egg which was laid on that day, and water dripping from tthe trees in the month of Nissan, and even that which has not originated on that day but was the result of labour which is forbidden on the Sabbath, such as fruit which fell from a tree or which a non-Jew had plucked on the Sabbath, or milk from the milking done on the Sabbath, and the like, is also forbidden to be handled, but bread baked on the Sabbath by a non-Jew in a city where there are mostly non-Jews (and it may be assumed that it was baked for non-Jews), it is permitted, in an emergency or for the requirements of fulfilling a religious duty, for an Israelite to partake thereof on the Sabbath.

5. Utensils which are adapted for work that is forbidden to be done on the Sabbath, such as a mortar, a grinder, a hammer, an ox, brooms with which houses are swept, a trumpet, a candle stick, a needle, whole candles, whether of tallow or of wax, cotton wicks, a garment of linen and woolen thread (*Shatnes*), which it is forbidden to wear, and all things akin to the above, one is permitted to handle, if the object is needed, e. g., a hammer to crack nuts, an axe to cleave provisions, a whole needle to remove a splinter (if, however, its eye or point was missing it is forbidden to handle it). It is likewise permitted to handle them if one needs the place they occupy, and as long as one handles them either because he is permitted to do so or through inadvertances, he is then permitted to continue handling them and to put them down wherever he pleases. If however, one needs neither the object itself, nor the place that it occupies, the handling of the object for its own sake, that it be not stolen or damaged, is forbidden. It is likewise forbidden to handle *tephilin* on the Sabbath; if, however, they lay in a degraded place it is permitted to remove them to a place of safety.

6. Things that are counted on to be used on the Sabbath because such use would involve a loss, e. g., articles which are purposely set apart, not to make use of them because he is anxious that they should not be spoiled, such as workman's tools of which one is careful that they should not be damaged, a pen-knife, a slaughter-knife, a circumcision knife, writing paper, notes, accounts and letters, all of which one is anxious to keep intact, and precious utensils which he does not use at all, or any article of which he is so careful as to put it away in a special place and not to make use of it, also the vessels that are in one's shop for the purpose of being sold, even if they are culinary vessels (but he is not in the habit of of lending them, otherwise they may be handled), all of the foregoing and what is similar to them, also a purse used to hold money are termed *muk-zah* because of a loss involved in handling them, and it is therefore forbidden to handle them even for the requirements of the object itself, or of the space it occupies.

7. That which is not designated as a vessel, such as wood, stones, a piece of iron and the like, is forbidden to be handled in any manner whatsoever even for the requirements of the object itself or of the space it occupies, unless on day preceeding the Sabbath it was designed for permanent use. It is likewise forbidden to take a piece of wood to pick the teeth therewith. Candles which are not whole are not considered vessels and may not be removed in any manner whatsoever. Also a ladder is not considered a vessel.

8. A vessel that is employed for legitmate use, or even for usage that is at times forbidden and at times permissible, such as pots, and even an unclean vessel (for it is permitted to handle on the Sabbath what is not counted on for use on account of its repulsiveness), it is permitted to handle it, even for the sake of the vessel, that it be not stolen or broken. But one is forbidden to handle it if there is no occasion for it. One, however, is permitted to handle holy writ, and victuals, even if there is no necessity therefor.

9. Just as it is forbidden to handle that which is not counted on for use, or that which has originated on that day, so is it forbidden to place a vessel underneath them in order that they fall therein, for by doing this he renders the vessel immovable, and it is, as if he had affixed it with clay. But it is permitted to tie a basket before the young of the birds in order that they walk up and down thereon, as it will be permitted to handle it when the birds will not be upon it. If the birds were on the basket at twilight (on the Sabbath-eve) it is forbidden to handle it the entire day.

10. It is permitted to handle the earth and sand which one heaped up in the corner of the court or house, inasmuch as its lying in a heap is indicative of the fact that one had prepared it for handling it. If, however it is scattered about, it becomes subordinate to the ground and it is forbidden to handle it. If one had cut off the branch of a tree before the Sabbath for the purpose of using it to drive flies away, or the like, he is

permitted to use it on the Sabbath inasmuch as he had designed it for that purpose and thus made a "vessel" thereof. But it is forbidden to take out a pole from the sweepers, because it is forbidden to be handled, and even if a non-Jew took it, it may not be handled.

11. Boards belonging to a householder which are not for sale may be handled. but if they belong to an artisan handling them is forbidden unless it was his intention on Friday to make use of them on the Sabbath.

12. That which is considered *muḳtseh* is forbidden only to be handled, but one may touch them if he does not thereby move them. Hence, it is permitted to touch a stationary chandelier even if the candles burn therein. It is likewise permitted to take a thing which may be handled which lies upon a thing that is *muḳtseh*. But it is forbidden to touch a hanging chandelier, as by merely touching it he shakes it. It is permitted to cover an article that is *muḳtseh* with an article that may be handled on account of rain or the like.

13. It is permitted to handle in an indirect manner that which is *muḳtseh*. Hence, if one had inadvertently left a thing which may not be handled upon a certain vessel, or if it fell upon it on the Sabbath, if he needs the vessel, which is permitted to be handled or he needs the space it occupies, he is permitted to shake it off, or to carry the vessel to another place and shake off the thing which is *muḳtseh*. Thus one may also do when he needs the garment in which he had forgotten a purse with money, but it is forbidden to be done solely for the sake of the thing which is *muḳtseh*. If before the Sabbath one purposely placed a thing which is muktseh upon a vessel, the latter becomes a base for the forbidden thing.

14. However, if one has no need for the vessel permitted to be handled, he is not allowed to remove it if anything which is *muḳtseh* be on it. Therefore one is forbidden to carry a child in his arms, even in a private domain if the child has a stone or anything else that is *muḳtseh* in its hand. If, however, the child is very much attached to him and his refusal to take it would sicken it, and at the same time it is impossible to throw the stone, or the like, from the child's hand as it would cry very much, in such case it is permitted to take the child in his arms when in a private domain. It is forbidden to grasp the child's hand if it holds a coin, although it walks by itself, notwithstanding its attachment to him, as we may apprehend that in the event of the coin falling from the child's hand, the former may forget that it is Sabbath and pick it up, thus actually handling a thing which is *muḳtseh*, and this may not be done even in a case of possible illness, as long as there is no possible loss of human life, if he would not take it.

15. It is forbidden to handle a dead body on the Sabbath, but it is permitted to remove the pillow from beneath the corpse in order that it shall not become malodorous, providing he does not move any limb thereby. If the mouth of the corpse were open and distending, it is permissible

to fasten the jaws that they open no further, but not in a manner as to close what is already open, as one would thus move a limb of the dead.

16. If a fire broke out, and it is feared that the dead body will be burned, it is permitted to carry it out by means of a thing that may be handled which should be laid upon the corpse or at its side, such as an article of food, and carry them out together. If an article of food, is not available, a vessel or a garment which is permitted to be handled should be laid upon the corpse. If this is also lacking, it may be carried out by itself. In any event it is, however, only permitted to be carried where carrying is permissible, but where carrying is not permissible, it should be carried out only by a non-Jew.

17. Anything that is filthy, e. g., excrements or the throwing up, whether of human beings or of cocks, if they be found either in the house or in the court where people live, may be removed to a dung-hill. A vessel for the collection of excrement, and a tub for urine may be replaced as long as it is in one's hand, pursuant to the law regarding anything that is *muḳtseh*, that as long as it is in one's hand it may be carried and placed in any place he sees fit. However, after the above articles were replaced, they may not be touched, because they are extremely repulsive (and is worse than the ordinary case relating to *muḳtseh*, because of repulsiveness). But if needed for human dignity, the above may be replaced. If water may be put in such vessels which should be fit to water animals therewith, it may be replaced by doing so.

18. One is permitted on the Sabbath to place a vessel beneath a liquid that drips down, and when it becomes full it may be poured out and put back in that place, that is providing that the water is fit to wash therewith. If, however, the water be filthy it is forbidden to put a vessel there. Nevertheless if one transgressed and did place it there, and it is a place disagreeable to him, he is permitted to remove it.

CHAPTER LXXXIX.

Law Concerning Things that are Made a Base for Things Forbidden to be Handled.

1. If on the Sabbath-eve one had intentionally put a thing that is *muḳtseh* (that may not be handled) upon one of his own vessels for the purpose of having it lie there on the coming in of the Sabbath, the said vessel becomes a base for a thing forbidden. If he had removed the thing that is *muḳtseh* therefrom on the Sabbath, nevertheless, inasmuch as it laid thereon on the twilight (on Friday) at which time it became the base for a thing forbidden, it is forbidden to handle it thereafter the entire Sabbath day, even if one needs that object itself or the place it occupies.

2. If on the coming in of the Sabbath, there also lay on that vessel an article which it is permissible to be handled, and the vessel thus became a base for a thing forbidden and a thing permitted, if then the thing permitted is of more value to him he is permitted to handle it, but if the thing forbidden is of greater value to him, he is forbidden to handle it.

Therefore it is best that the bread be put on the table before the candle sticks so that the cover and the table become a base for the bread and the candles, and it will be permissible to handle them. If it is not done so the cover and the table become a base for the prohibited thing only and may not be handled. Nevertheless in cases of extreme emergency, e. g., when a candle fell on the table and must be shaken off, one may rely upon the decision of the authorities who hold that a thing becomes a base only when one intends that thing that is *muḳtseh* remain there the entire day, but inasmuch as it is customary to remove the candles in the morning by a non-Jew, it is no longer a base.

3. If one had money in a pocket sewed in his garment, he is permitted to handle the garment, because not the entire garment becomes a base but only the pocket, and the latter loses its identity. But one should not wear such a garment even in his house, as we are apprehensive lest he go out with it in a public territory. If there is money in a table drawer, it is forbidden to move the table, because the drawer is a vessel for itself and does not lose its identity.

4. A vessel is not constituted a base unless the thing that is *muḳtseh* lay thereon in the twilight on Friday, but if it did not lie thereon in the twilight, but was put thereon thereafter, it does not thereby become a base and it is permissible to handle the vessel even when the thing that is *muḳtseh* lies thereon, hence it is permitted to shake a table or tablecloth from the crumbs, etc., that lay thereon, when the cover and the table have not become a base to the candles.

5. Nor does it become a base except when he puts it thereon with the intention of letting it remain there in the twilight; if, however, he inadvertently left it there or if it fell there of itself it does not thereby become a base.

6. Nor does it become a base unless it is his own vessel, but if he put a thing that is *muḳtseh* upon a vessel belonging to another it does not thereby become a base, for one cannot render somebody's articles unusable without his consent.

CHAPTER XC.

Law Concerning the Executing of One's Desires without doing Actual Work, and Doing Work through a Non-Jew.

1. There are things which are forbidden on the Sabbath although they neither have any resemblance of work nor do they lead to the performances of work; why are they then forbidden? Because it is said, "If thou restrain thy foot for the sake of the Sabbath, not doing thy business on my holy day"; and it is also said, "And honour it by not doing thy usual pursuits, by not following thy own business, and speaking (vain) words" (Isaiah lviii, 13). Our Rabbis, of blessed memory, have taught us what is meant by the precept "and honor it by not doing thy

usual pursuits", that is, walk not in the same gait on the Sabbath as thou art wont to do on a week-day. Hence it is forbidden to run on the Sabbath; for the sake, however, of performing a religious duty it is permissible to run. (Because it is written: "Thy ways", from which we infer, *thy ways* are forbidden but the ways of Heaven are permissible). And it is even meritorious to run.

2. And from the words "by not following thy own business" our Rabbis, of blessed memory, have expounded as meaning "thy business is forbidden thee even if thou doest no work;" thus one is forbidden even to look after his property to see what it requires on the morrow. It is also forbidden to promenade through the town in order to find a horse, a ship or a wagon so as to hire them after the Sabbath, if it is apparent that he went for that purpose, but one is permitted to guard either his own or his neighbor's property.

3. One is forbidden to go on the Sabbath until the end of the Sabbath boundary or even a lesser distance and wait there until dark so that he will be able to hasten his journey from thence on the close of the Sabbath, for it is apparent that he went on the Sabbath principally for that purpose. This, however, is only forbidden if he stays there until dark in order to go and do there something which may not be done on the Sabbath in any manner whatever, e. g., to hire workmen, or to pick fruit, or to bring in fruit which is *muḳtseh*, as there is no way making the doing of these things permissible on the Sabbath. One is, however, permitted to wait at the Sabbath boundary until dark in order to bring in his cattle, inasmuch as that would have been permissible even on the Sabbath, in case there were other houses there no further than seventy cubits from each other. It is likewise permitted to bring fruit that was plucked and which is not *muktseh*, inasmuch as this would also have been permissible even on the Sabbath in case the entire route be closed in by partitions, and everything of that character is permitted. It is also permitted to go on the Sabbath within the limits of the Sabbath boundary to the orchard in order to pluck the fruit on the close of the Sabbath, as it is not recognizable that he went there for that purpose, but the onlookers may think that he went there for his pleasure, or to look for his beast that went astray, and after being there he bethought himself of remaining until dark in order to pluck his fruit.

4. From that which is written "and speaking (vain) words," our Rabbis, of blessed memory, have inferred that one's words on the Sabbath should not be the same as on a week-day. Hence, one is forbidden to say "I will do this thing tomorrow," or "I will buy that article tomorrow." This however, applies to what cannot be done in any manner, but if it can be done today in a certain way although that way does not present itself now, it is permissible; one, therefore, is permitted to say "I will go to yonder place tomorrow," but he should not say it in such a way as to imply that he will ride there nor should he speak much about it. It is likewise forbidden to converse much on absurdities, and it is forbidden to relate on the Sabbath anything to cause distress. One is forbidden to make mental calculations on the Sabbath either of future or past trans-

actions, but which he still has to know of it, e. g., so much and so much have I spent on that building in hiring workmen, and he still has to pay some of the workmen so that he actually has to know the figures; this is prohibited. One is however, permitted to make calculations for which he has no need whatsoever, providing he does not make many of them, as on the Sabbath it is forbidden to speak much on absurdities.

5. Inasmuch as it is written: "thy own business," our Rabbis, of blessed memory, have inferred that only the business of man is forbidden, but heavenly subjects are permitted; hence one may wait at the Sabbath boundary until dark for the purpose of performing a religious duty. It is also permitted to attend to matters of public interest on the Sabbath, for instance to visit a governor or an assembly of officers to plead for the people; for, the needs of the public are tantamount to heavenly matters. It is permitted to speak to a teacher in regard to one's child, if he is willing to take him to teach Scripture or even a trade, as this is also the fulfillment of a religious duty, as the lack of a trade wherewith to earn a livelihood may lead him to steal. But it is forbidden to hire the teacher on the Sabbath, as the hiring constitutes the violation of a Rabbinical ordinance, and it is not permitted even for the purpose of fulfilling a religious duty, as it is only that which is forbidden because it is included in the words "by not following thy own business and speaking (vain) words" which is permissible to be done for the sake of fulfilling a religious duty. It is permitted to make a public announcement of a loss, inasmuch as returning it to its owner is the fulfillment of a precept.

6. As it is written "and speak (vain) words," our Rabbis, of blessed memory, have taught us therefrom that only speaking is forbidden, but thinking is permitted. Hence, one is permitted, to think of his affairs. Nevertheless, in order to delight in the Sabbath it is mandatory not to give one's business any thought, but it should seem to him as if all his work is done. And this is the meaning of the verse: "Six days shalt thou work and do all thy labor." Is it possible for a man to do all his work in one week? But it means that a man should consider it on every Sabbath that his work has been completed; and there is no greater pleasure than this. One should especially avoid thinking of that which causes him worry or care.

7. One is permitted to say to a workman, "Do you think you will be able to see me this evening?" although the latter understands that he needs him in the evening in order to hire him to do some work, as only a direct proposal is forbidden. He should, however, not say, "Be ready for me this evening," as that is equivalent to expressing in plain terms that he desires to hire him.

8. If one has hired a workman to guard anything for him, the workman is forbidden to take any pay for the Sabbath by itself. If, however, he was hired for a week or a month, he may take pay for the Sabbath inclusive with the pay for the entire time.

9. One is forbidden to give anything to his neighbor as a gift or as a pledge, unless it is necessary for the fulfillment of a religious duty or requisite for the Sabbath. In such event he should not say to him "here is the pledge," but simply give it to him.

10. One is forbidden to glance over ordinary documents, e. g., bills, accounts, or personal letters even without uttering the words, and although he only thinks of the contents it is nevertheless forbidden, as thinking is only permissible when it is not obvious he is thinking of forbidden matters, but in the foregoing it is apparent to all that he is thinking of forbidden matters, therefore it is included in the prohibition "following thy business". One who gets a letter and does not know its contents, is permitted to look at it, for perchance it is necessary for the welfare of his person, but he should not utter the words. If, however, he knows that it relates only to business matters he is forbidden to glance at it; it is also forbidden to handle it, as it is a thing which is *muḳtseh.*

11. A wall or a tablet that has drawings or portraits on it, and underneath is marked, "this is that man's drawing," or "this is that man's portrait," it is prohibited to be read on the Sabbath, and even just to look at it without reading it, it is prohibited. Books of war, histories of the nationalities, secular poetry and fables, e. g. the book Emanuel, and needless to add ordinary novels, must likewise not be read on the Sabbath, and even not to peruse them without uttering the words. Even on week days they must not be read, because it is analogous to "sitting among scorners" (Ps. i, 1), and this is true even if the books are written in the sacred tongue. Concerning novels there is an additional prohibition in that it makes him become passionate. However, history books which lead to the fear of God. e. g., the books of Josephus, or the like, even if they are written in a secular tongue, may be read even on Sabbath. Nevertheless it is improper to read too much of them.

12. One is forbidden to measure whatever he may need on the Sabbath unless it is essential to the performance of a religious duty.

13. Where one may otherwise sustain a loss it is permissible for him to refer to what is essential to avert it either to a Jew or a non-Jew.

14. Whatever the Israelite is forbidden to do, he is forbidden to tell the non-Jew to do, because telling a non-Jew what to do is a violation of the Rabinical law. One is forbidden to hint to him that he should do it; even to tell him before the Sabbath that he should do it on the Sabbath is forbidden. It is likewise forbidden to tell a non-Jew on the Sabbath that he should do it after the Sabbath. This, however, is forbidden not because it constitutes a violation of the Rabbinical law, since

the work is done at a time when it may be done, but it is prohibited because it constitutes "following thy pursuit"; therefore if it is necessary for the fulfillment of a religious duty, it is permissible.

15. If the non-Jew was going of his own accord to perform some work for the Israelite, the latter is required to prevent him. Therefore if one sees a non-Jew willing to remove the ashes from the candles so that they give better light, he must prevent him.

16. If one sees that he is liable to sustain a loss, e. g., his cask of wine had sprung a leak, and so forth, he is permitted to call in a non-Jew even if he knows that the non-Jew will surely repair it and even in a workman like manner, providing he carefully avoids telling him anything that may be construed as a command to repair it, but he is permitted to say in his presence, "Whoever will save me from this loss will not lose thereby." This, however, should not be done unless it may be a great loss.

17. A thing which is not real work but is forbidden only by the Rabbis, a non-Jew may be told to do it for the sake of performing a religious duty, or for the sake of a slightly ill person. From this a practice has sprung to send a non-Jew for beer or the like or anything else on Sabbath, even where there is no *erub*. This should not be permitted, except in case of necessity where one has nothing to drink; but for the mere gratification of one's pleasure it is not permitted. It is not alone forbidden to tell a non-Jew to bring anything from without the Sabbath boundary, but it is even forbidden to utilize on the Sabbath whatever was brought already. Some authorities hold that for the prevention of a great loss, e. g., to remove merchandise so that the rain should not damage it, it is permitted to be done through a non-Jew. One may rely upon this opinion in a case of great loss.

18. When it is cold it is permitted to tell a non-Jew to kindle a fire in the stove as the cold makes everybody suffer, but if it is not so very necessary this should not be done. It is also forbidden to allow a non-Jew to kindle a fire in the stove on the Sabbath afternoon that it may be warm at night.

19. It is forbidden to send a non-Jew outside of the Sabbath limit to call for the relatives of a dead man, or for one to eulogize him.

20. If a non-Jew brings grain to an Israelite in payment of his debts and the Israelite gives him the key to his storehouse and the non-Jew measures and counts what he puts in there it is permitted, inasmuch as the latter works for himself, as the grain does not belong to the Israelite until after it is measured; furthermore the Israelite is permitted to stay there and see that he does not cheat him, providing he does not speak to

him at all concerning that business. If, however, they brought him his own grain, he is forbidden to tell them to unload it from the wagon and place it in his store house. Even if they are about to unload it of their own accord, he is required to prevent them.

21. When a non-Jew is engaged in making cheese from his own milk and an Israelite watches the process of milking and cheese making with the view of making it permissible for him to buy it after the Sabbath, although the non-Jew makes it purposely for the sake of the Israelite in order to sell it to him, it is permissible, inasmuch as the cheese belongs to the non-Jew who makes it for his own benefit; it is even permissible for the Israelite to tell him to make it, although it is Sabbath, as an Israelite is permitted to say to a non-Jew, "Do your work" although the Israelite also derives a benefit therefrom.

22. If a non-Jew had bought merchandise from an Israelite, and the former come on the Sabbath to take it, he should be prevented from doing it, if possible.

23. If one has Jahrzeit on the Sabbath, and he forgot to light the Jahrzeit candle, at twilight (Friday) he may tell to a non-Jew to light it, but not on the Sabbath.

CHAPTER XCI.

Laws Concerning One in Pain, or One not Dangerously Ill.

1. One who is in pain but is able to walk around as if he were in good health is forbidden to take any treatment even if there is no work performed therein. He should neither rub himself in oil nor let another, even a non-Jew, treat him.

2. It is permitted to eat and drink edibles and beverages, which are the food of healthy people, as remedies; although in some respects it is hard to partake of them and it is obvious that he partakes of them medicinally it is permitted to partake of same. What is not food and drink for healthy people is forbidden to be partaken of medicinally. It is permissible to eat sweets or drink a raw egg to sweeten the voice; and this cannot be termed a cure since he has no boil in his throat.

3. One who suffers slightly from a tooth-ache but is not in great pain should not absorb vinegar or other beverages in his teeth as a remedy, and then expel the liquid out of his mouth, but he should drink and swallow it, or dip bread in it and eat it in the usual manner. One who has a pain in his throat should likewise not gargle it with any liquor, but he should swallow it and he may be cured thereby.

4. One who feels pain in his loins or the like, also one who has scabs on his head, in those lands where it is customary to rub one's self in oil only for medicinal purposes, it is not permitted to use oil, since it is evident that he is doing it for a medicine.

5. He who coughs because of a weak heart and whose remedy it is to suck milk from a goat, it is permissible to be done on the Sabbath (because sucking is like the act of loosening something in an unusual manner, and because of the pain of the sick person the Rabbis are not stringent about it).

6. One who has abdominal pains is permitted to apply thereto a vessel from which hot water has been poured out, although it still retains the heat. It is also permitted to warm clothes and put it thereon.

7. If one has hurt his hand or foot he may bathe it in wine in order to staunch the bleeding, but not in vinegar as that is strong and is akin to medical treatment. If he is sensitive the wine is also considered as vinegar and it is forbidden. If the wound is on the back of his hand or foot, or it was caused by an iron, he is permitted to apply any remedy thereto, as it is dangerous.

8. One who has sore eyes must not put tasteless saliva on it (i. e., the saliva in his mouth before he tasted anything), because it is evident that he is doing it as a remedy. If, however, he cannot open his eyes, he may moisten it with insipid saliva, because this is not as a remedy but his intention is simply to enable him to open his eyes.

9. He who suffers pain because of over eating, may stick the finger in his throat in order to vomit.

10. On a wound in which there is no danger one should not place a plaster, even if it was made the previous day, nor anything else medicinally, but he may put something thereon to guard it against breaking open. If there was a plaster thereon from the previous day he may slightly raise it from each side and cleanse the wound, but he should not wipe the plaster itself as he thus performs the act of plastering. If the plaster fell from the wound on the ground he should not restore it, but if it fell upon a vessel he should restore it. If, however, it cause him great pain he is permitted to tell a non-Jew to restore it, but he is forbidden to tell a non-Jew to make a plaster on the Sabbath, as plastering is a work forbidden by the Mosaic Law, and it is even forbidden to be done through a non-Jew unless his entire body suffers.

11. It is forbidden to place a cloth upon a wound from which the blood flows, as the blood colors it, and more especially a red cloth which he improves thereby. It is also forbidden to compress a wound in order to extract blood, but one may bathe it in water or wine to staunch the flow of blood, then bandage it; and if the blood does not stop flowing through the bathing, he may rub spider's web on it, then bandage it. Some authorities are doubtful about this, because spider's web has curative qualities, therefore, if possible, he should have it treated by a non-Jew.

12. He who opens a wound to widen its opening, as is customary for doctors to open the wound in order to extract the matter, this constitutes a violation since this is a doctor's work. If he opens it only in order to remove the matter which causes him suffering and he does not care if it immediately closes up again, it is permissible because of the suffering he is in. But only with a needle and the like is he allowed to pierce it, but not with his nails as he would thereby tear some of the skin of the wound which constitutes a violation. If possible, the piercing even with a needle, or the like, should be done by a non-Jew, since it is likely that he wants it to remain open, that the puss come out.

13. One who has incision on his arm, if the hole was a little opened, he may not put therein some ligume so that it may open again, because his intention is that it should remain open. However, he may put on plaster (that was prepared yesterday) since the plaster is only put on these for preventative purposes. But if he knows that the plaster will pull out puss or blood, he is not allowed to do it. If he wants to wipe it, if he knows that the wiping will cause puss or blood to come out, he is likewise not permitted to do it. (And this cannot be compared to the opening of a wound, because there the puss and the blood are collected in one place and no wound is made when it is squeezed out, but in this case the puss and the blood are soaked into the flesh, and if he squeezes it out, it makes a wound).

14. On a wound which had healed one may put a plaster that was made the previous day as it is only for the purpose of preserving it. It is permissible to remove the skin that peels off the wound.

15. If a splinter ran into one's flesh, he is permitted to remove it with a needle, but he should take care not to draw blood, as he would thus make a bruise.

16. One who was compelled to take to bed owing to his sickness, although he is not in danger, or if his pain is so great that he suffers in his entire body, then although he is walking about, it is considered as if he had been in bed, and a non-Jew may be told to apply a remedy and to

cook for him. He is permitted to eat, on the Sabbath whatever the non-Jew cooks, since he is allowed to tell the non-Jew to cook for him.

17. It is also permitted to take medicine either solid or liquid, and to prepare medicine for him whether he does it himself or others do it for him, providing, however, that no work that is forbidden even by Rabbinical prohibition be performed therein. But whatever necessitates a violation of even a Rabbinical injunction, it is forbidden to be done except through a non-Jew; in the absence of a non-Jew, an Israelite may be permitted to do it, but only if it is a Rabbinical prohibition, and done in a different manner than it is done on a week-day.

18. If a non-Jewish doctor vaccinates children, if possible, the Jew should offer him a compensation to postpone the vaccination till after the Sabbath. If he is unable to do so and it must be done on the Sabbath the Jew should not hold the child then, but a non-Jew should hold him.

CHAPTER XCII.

Laws Concerning One Dangerously Ill, and One forced to Transgress a Precept.

1. The compliance with the precept of observing the Sabbath is superceded by the exigency arising from danger to human life, as is the case with all other precepts of the Torah. Hence, it is mandatory to desecrate the Sabbath for the sake of one who is dangerously ill if he is a person of good character, although he is occasionally led by desire to transgress a law, and even if he is only an infant, one day old. If the sick person will not allow it, he should be compelled to submit, as it is very iniquitous to be an idiotic pious to refuse to be cured because it would necessitate the violation of a prohibition, concerning him it is said; "And surely the blood of your lives will I require" (Gen. ix, 5). Indeed, one who is zealous in disregarding the Sabbath for the sake of one dangerously ill, is praiseworthy. Even if a non-Jew be present the work should be done preferably by an Israelite, and he who disregards the Sabbath for the sake of one who is dangerously ill, even if his exertions prove unnecessary, has earned a reward; e. g., if the physician said that this sick person needs one fig, and nine men ran and every one of them plucked one and brought it, they have all earner a reward, from the Lord, blessed be His name, even if the invalid became well from the first that was brought. This applies to every case of danger to human life, even where it is doubtful whether human life is endangered, it is mandatory to disregard the Sabbath and perform all work involving any violation of a prohibition of the Torah. There is nothing that supercedes the saving of a human life, for the Torah was given only for life, as it is said; "That he may live with

them" (Lev. xviii, 5), and it is explained that he may live with them and not die on account of them. Except the laws prohibiting idolatry, immorality and bloodshed for which one is bound to give up his life and not to violate them.

2. Any one who claims that the condition of a sick person is dangerous if there be no competent physician present to gainsay him, he is credible, and the Sabbath should be disregarded for his sake; even if he does not make a positive assertion, but says "I believe that the Sabbath should be desecrated for his sake", he should be heeded, and the Sabbath should be disregarded, as the law should be relaxed when there is a probability of danger to human life. If one physician says that the invalid is dangerously ill and requires a certain medicine, and another physician says that he does not require it, or if the invalid himself claims that he does not require it, they pay heed to the physician who says he does require it. If the sick person says that he requires a certain remedy, and the physician says he does not require it, they should heed the sick person; if however, the physician declares that that remedy will do him harm, they should heed the physician.

3. If an experienced physician, although he be a non-Jew, or another one who understands, says that although the sick person is in no immediate danger, the sickness may nevertheless assume a dangerous form unless a certain remedy is applied therefor, even if the invalid says that he does not require it, the physician should be heeded and the Sabbath should be disregarded. If the physician says that if a certain remedy will not be applied he will surely die, but if applied there is a chance that he might live, the Sabbath should also be disregarded.

4. For a wound in the interior of the body, that is, from the lips inwards, the teeth included, and for the injury caused by a wound or a boil and the like, the Sabbath should be disregarded, nor does it require the giving of an expert opinion; thus, even if experts are not there, and the sick person does not object, everything should be done for him, the same as is done on a week-day. If, they, however, know that according to the nature of that illness, it is possible to wait and there is no necessity of disregarding the Sabbath, it should not be disregarded. Pains are not considered as wounds, and one whose tooth aches to such an extent that he suffers therefrom in his entire body, is permitted to tell a non-Jew to extract it.

5. A wound on the back of the hand or on the back of the foot, or any wound that was caused by an iron, or an ulcer on the end of the rectum, or if one swallowed a leech, or whom a mad dog or a snake has bitten, even if it is doubtful whether it is poisonous or not, or one who has exceedingly high temperature, for all these the Sabbath should be desecrated; but for ordinary fever the Sabbath should not be desecrated, but should be attended to through a non-Jew.

6. One who was seized with blood pressure should let blood immediately, and if he whose blood was let caught cold, a fire should be built for him even if it happen in the month of Tammuz.

7. If one has pains in both eyes, or if some substance entered one eye, or if they were watering or bleeding, or other matter oozed therefrom which endangered sight, the Sabbath should be disregarded for his sake.

8. If one who is dangerously ill requires meat, and only forbidden meat is obtainable, an animal should be slaughtered for his sake in order not to feed him with forbidden meat, as it is apprehended lest he will become aware of having been fed on forbidden meat and he will be nauseated thereby. When, however, there is no fear of it causing nausea, as in the case of a child, or of one whose mind is distracted, he should be fed with forbidden meat, and no animal should be slaughtered for his sake on the Sabbath.

9. One who is well is forbidden to partake of the victuals that were cooked on Sabbath for an invalid, but even one who is well is permitted to partake thereof immediately on the close of the Sabbath, providing it was cooked by an Israelite.

10. If one is forced to temporarily transgress a precept, even if it be an extreme offence, the Sabbath should not be disregarded for the sake of saving him from the transgression. If one, however, is forced to apostatize and become alienated from the Jewish community, even if it be a little boy or girl, one is duty bound to exert all his efforts in order to save him, even disregarding the Sabbath if necessary, and perform work thereon forbidden by the Torah, just as we are bound to desecrate the Sabbath for the sake of the one who is dangerously ill, for it is written; "And the children of Israel shall observe the Sabbath", the Torah ordered to desecrate one Sabbath for his sake, so that he be enabled to observe many Sabbaths. Even if it is doubtful whether the efforts will be of any avail or not, still the Sabbath should be desecrated for his sake, as is done in the case of a doubtful saving of life. However, for a transgressor who deliberately becomes apostate, the Sabbath should not be disregarded so far as to violate a prohibition of the Torah, for since he has done it deliberately we do not tell a man to sin so that somebody else may be benefited thereby. But when it only involves the violation of a Rabbinical prohibition, e. g., to go beyond the Sabbath boundry, and to ride on horseback, or in a wagon, also to handle money, or other such prohibitions some authorities hold that it is permitted to disregard them in order to save him.

CHAPTER XCIII.

Laws Concerning Child-Birth.

1. As soon as a woman begins to feel the symptoms of child-birth, even if she is not certain thereof, a mid-wife should be brought immediately, even from a place many miles away.

2. A woman at child-birth is considered as one who is dangerously ill, therefore the Sabbath should be disregarded for her sake in providing all that she requires. If, however, it can possibly be done in a different manner than on a week-day or through a non-Jew, it should be done so. As soon as she is in travail, or as soon as there is a downward flow of blood, or as soon as she is unable to walk alone, she is considered as woman in child-birth. One who has had a miscarriage forty days after her immersion is amenable to the same law that governs a woman at child-birth.

3. During the first three days, even if she says she does not require it, the Sabbath be disregarded for her sake, and thereafter if she have no other pains than the regular after pains of child-birth, until seven days if she says that she requires it, the Sabbath should be disregarded for her sake, but it should not be disregarded if she says she does not require it. These days should be counted from the day of child-birth and not from the twenty-four hours; thus if she gave birth on Wednesday towards the evening, Friday will complete the three days, and if she gave birth on the Sabbath towards the evening, the coming Friday completes the seven days. If, however, there be any possible danger, the woman being weak, it is not acting wrongly in relaxing the law and beginning to count those days from the twenty-four hours.

4. After the seven days even if she says she requires it, the Sabbath should not be disregarded for her sake. But until thirty days are over she is like one who is ill but not in danger, and all necessary work should be done for her through a non-Jew. To make a fire in a stove for her sake is permissible even through an Israelite (when a non-Jew is not easily found) and even in the month of Tammuz, inasmuch as a woman in confinement is in danger from cold for thirty days.

5. One may bathe a newly-born child, cut the navel-string and straighten out its limbs and do everything that it requires. But if the child cannot live, e.. g., when he was born after eight months, it is forbidden to handle him, but the mother should bend over him and suckle him because of the milk causing her pain.

CHAPTER XCIV.

Laws Concerning the Inter-Community of Courts.

1. Two or more Israelites who reside in one court each in a room by himself, are forbidden to carry anything from the house to the court or vice-versa, or from one house to another, even if they do not need to pass the court, as for instance if there is a door or window between one's house and the other's they are forbidden to carry through them, and it is mandatory upon them to establish an inter-community of courts, in order that they stumble not into transgression.

2. The tenants of two courts if there be a door between them, may establish, if they desire, a separate inter-community for each, thus making it permissible for them to carry, each in their respective courts. They are, however, forbidden to carry, from one court to another, vessels which were in the house over Sabbath. All the tenants of both courts, can, if they desire, establish one inter-community in order that they should be permitted to carry also from one court to another even such vessels as have remained in the house over Sabbath. If there is only a window at least four hand-breadths wide by four hand-breadths high between the courts, and furthermore it is within ten hand-breadths above the ground and it has no lattice, they may also establish an inter-community in common, but if it is less than that they cannot establish an inter-community in common. If there is a window between two houses even if it is higher than ten hand-breadths, they may establish an inter-community in common, (for in the case of a house the gap is considered as filled).

3. If there are two courts, one inside the other, and the tenants of the inner court have no other means of egress than through the outer court, because there is an entrance between the two courts and they walk through there, if the tenants so choose they may make one *'erub* together. If they did not make one *'erub* together, then if the tenants of the inner court alone made an *'erub*, they are allowed to carry in their own court, and the tenants from the outer court are forbidden to carry. If the tenants from the inner court made no *'erub* at all, only the tenants of the outer court made an *'erub* the *'erub* is of no avail to them at all, for since the tenants of the inner court have a right of excess through the outer court they restrict their use. The foregoing is true only when the tenants of the inner court made no *'erub*, for since they are then restricting one another in their own places, it is a foot which is not allowed to walk from its own place, (i. e. they may not carry from where they are), and as such it has the effect of causing restrictions also in some other place. If, however, they, too, made an *'erub* by themselves and then they are permitted to carry in their own court and it constitutes a foot which may move about in its own place, and they cast no restriction on the tenants of the outer court. If only one Israelite lives in the inner court, since he is not restricted in his own court, he cannot restrict the tenant of the outer court. If two tenants live in the inner court and made no *'erub*, although in the outer court there lives only one tenant, since the former are restricted in their original place, they also restrict the single tenant.

4. If houses are built several stories having a porch by means of which the tenants descend into the court, and from the court into the street, are governed by the same laws as those of two courts one inside the other, the porch being considered as the inner court.

5. A house containing two apartments and having a vestibule which serves as the entrance to both apartments, and the two apartments are oc-

cupied by two tenants they are forbidden to carry anything even from the house to the vestibule. Even if one apartment is divided for the two tenants, although the one who occupies the inner rooms has no other exit than the door of the outer room, which door leads into the curt, they are nevertheless forbidden to carry even from one room to another until they establish an *'erub*.

6. How is the *'erub* established? On Friday towards evening one of the tenants of the court takes one entire loaf of his bread, and makes all the tenants of the court share therein, through another, by saying it in whatever language he understands, as follows; "Take this loaf and acquire a share therein on behalf of all the Israelites dwelling in this court (or the courts)." The latter then takes the loaf and raises it up a handbreadth, then the one who makes the *'erub* takes it from him and says the benedictions: "Blessed art Thou O Lord our God, who has hallowed us with His commandments, and commanded us concerning the precept of *erub*," adding "By virtue of this *erub* it shall be permissible for us to take out and to carry from the houses to the court and from the court to the houses, and from one house to another, for us and for all Israelites who dwell in the houses of this court". Since all tenants acquired a share in this loaf and at the beginning of the Sabbath it is in the house of the one who made the *'erub*, it is considered as if all of them had dwelt in this house, and therefore they are permitted to carry from the houses into the court and vice versa, and also in the entire court.

7. It is essential that he grant them proprietary rights only through another. He should therefore not grant it through his own son and daughter who are minors, even if they do not eat at his table, inasmuch as their hands are considered as his own, but he may grant it through another's child (for in Rabbinical matters a minor may acquire rights for another). If possible he should not grant it through his wife whom he supports, nor through his grown son and daughter if they eat at his table, for according to the opinion of some authorities, they are also considered as his own hands. If there is no other, he may grant it through them, but if the son is married although he eats at his father's table all authorities agree that the father may grant proprietary rights through him.

8. What is the limit of the *'erub*? If there are eighteen tenants or less, its limit is the size of a fig (which is about one third of an egg) for each and every one of them, excepting the one that makes the *'erub* (because he need not put bread there since he dwells there without this). If there are more than eighteen tenants, even up to one thousand, it must be sufficient for two meals, that is the size of eighteen figs, which makes

about six eggs. Other authorities hold that it is about eight eggs (according to their opinion a fig being about one third and a ninth of an egg).

9. It is essential not to be niggardly about the food applied for the *'erub* to care if his neighbor ate it, for if he should be concerned thereat the *'erub* is not valid. He should, therefore, take care not to make the *'erub* with food that he had prepared for the Sabbath use.

10. The *'erub* must be found in a place where everyone of the tenants on whose behalf it was made, should be able to enter there at twilight. Therefore if in there (where the *'erub* was placed) or in the adjoining apartment was a dead man, God forbid, and one of the tenants is a Cohen (Priest) and is therefore unable to enter at twilight into the place where the *'erub* is found, the *'erub* is rendered void.

11. The inter-community of courts should be established every Sabbath-eve, and the loaf of bread used in that ceremony may be cut up on the Sabbath (as it only needs to be whole on the entering of the Sabbath). If he be apprehensive lest he sometimes forget to perform that ceremony, he may make the *'erub* with one loaf of bread to apply to every Sabbath until the Passover and when saying "By the virtue of the *'erub* etc.," he should conclude "for every Sabbath until the Passover which comes to us for good." It is requisite that the loaf be thin and well-baked in order that it should not become spoiled. For the Sabbath during Passover, the *'erub* should be made with unleavened bread that was prepared according to the law.

12. The ceremony establishing an inter-community of courts should not be performed on a Festival, hence if a Festival occurred on the Sabbath eve, it should be performed on the day before the Festival.

13. He who eats in one place and sleeps in another, his eating place is his legal residence in as far as this law is concerned, and from there he restricts others if he eats anything of his own in a special room, but in the place when he sleeps he does not restrict.

14. He who is a guest in a court, according to the opinion of some authorities even if he stays in a house for himself but as long as he does not stay there permanently, but for thirty days or less, he does not thereby restrict the tenants of the court, and all of them are permitted to carry either from the house of the tenants or from the house of the guest, and this is true even if the guests are many and the tenant is only one. But this is true only when there is one permanent tenant, be he a non-Jew, then the guests are subordinate to him. If all of them are guests, they restrict one another if each one has a special room for himself to eat in. If there is a non-Jew among them, they must hire his residence as is provided infra. Some authorities hold that there is no distinction between a tenant and a guest, as long as he has a special room where he eats, his case is the same as that of a tenant, and so it is proper to follow the stricter opinion, and they should make an *'erub* without pronouncing the benediction. When it is post facto one may rely upon the first opinion.

15. If an Israelite resides in one court with a non-Jew, the latter does not restrict him, and he is permitted to carry from the house to the court and vice versa. Even if there are two or more Israelites, but they dwell there under such conditions that no *'erub* would be required (as explained above in section 13), the non-Jew does not restrict them. If, however, two or more Israelites who are required to make one *'erub* reside there with a non-Jew, the latter restricts them, and they are not allowed to make an *'erub* until they pay him for a temporary rental of his premises. If two or more non-Jews live there, the Israelites are required to rent the premises of each of them.

16. Even if the non-Jew resides in another court, but his only egress to the public domain lies in that court where the Israelites reside, or if he lives in a garret but the staircase leads to the court, he also restricts them.

17. If the court is owned by an Israelite who hired or rented a dwelling therein to a non-Jew, the latter does not restrict him, inasmuch as he does not hire or rent to him with the intention of restricting his co-religionists, even if the owner of the court does not reside there himself.

18. How should the hiring be done? The Israelite says to him, "Rent me your premises at such a price," and he is not required to explain to him that it is in order to make carrying permissible. If, however, he said to him, "Allow me the use of your premises," although he explains to him "in order that I may be permitted to carry in the court" it is not valid.

19. He may rent the premises even from his (the non-Jew's) wife, and even from his servant.

20. If he rented the premises without mentioning any definite period it is valid as long as the non-Jew does not repent thereof, and he still resides there. If he removes and another non-Jew lives there, it is necessary to renew the rental from the latter. If he rented the premises for a certain time, and during that time the occupant rented his premises to another non-Jew, the original rental is sufficient. If, however, the occupant died or sold the premises to another during the term of the lease, he is required to rent it anew from the heir or the purchaser. If he rented it from his servant, if he did not stipulate a time it is valid only as long as that servant remains there. If, however, he rented it for a certain time, then even if the servant is no longer there, the rental is valid until that time expires.

21. Whenever the lease terminates and a new lease must be made, the ceremony of establishing anew an inter-community of courts is essential, for the *'erub* is not renewed again.

22. If it be impossible to rent the premises from him (the non-Jew), one of the Israelites should borrow a special place on his premises for the purpose of putting an article there. He should then put the article there, and he thereby acquires proprietary rights in that place. Even if

he removed the article from thence before the Sabbath, it is nevertheless considered as if he had a share in the premises, inasmuch as the Israelite had a right to let the article remain there on the Sabbath as well. The Israelite may then rent the premises to all the residents in the court.

23. An apostate, or one who profanes the Sabbath in public (according to the opinion of some authorities even when he only violates a Rabbinic precept), he is considered in this regard like a non-Jew, and it is necessary to hire his premises from him.

24. In many communities an inter-community is established between all the thoroughfares and streets (by making the form of a door and the like), and they rent the franchise from the non-Jew in order that they may be enabled to carry throughout the city. It is essential that all the necessary observances be performed through an erudite Rabbi well versed in these laws. In our communities it is customary to put away the *'erub* in the synagogue (because the laws of partnership are applicable thereto, and it is not essential to have a dwelling only).

25. In those places however, where the city is not provided with an *'erub* or when an *'erub* is made for the residents of the court wherein there is a synagogue, the *'erub* should not be put away in the synagogue, but put away in one of the dwellings.

26. If the *'erub* of a city become defective on a Sabbath, the tenants of every court which is properly partitioned and in which there is no breach making it invalid—even if that court contains many houses, are permitted to carry the entire Sabbath. Even if the *'erub* lay in another's premises which is now separated from the court, it is yet permissible as it is said in connection therewith, "once it was allowed on that Sabbath, it continues to be allowable." But as there is great risk of many stumbling into the transgression of carrying also where it is forbidden, having become habituated to carry everywhere because allowable, therefore, if possible to have the same repaired by a non-Jew it is permissible. If the cord across the form of a door was torn and it is possible for a non-Jew to repair it by looping it together or by making one knot and a loop above it, it is proper to have it done.

27. If a Festival occur on the day preceding the Sabbath, and the *'erub* become then defective, although the *'erub* is effective also for a Festival regarding things that are not necessary, we do not say that since it was on the Festival it should also be allowed on the Sabbath, because the holiness of the Festival and that of the Sabbath are distinct.

CHAPTER XCV.

Laws Concerning the Inter-Community or Boundaries.

1. On a Sabbath or Festival it is forbidden to walk from the place one acquired the Sabbath repose, a greater distance than two thousand cubits and a man's space which is four cubits. This is only when on

Friday in the twilight he happened to be in the field, but if he had reposed in a city the entire city is considered as his space, also the outskirts of the city which is a space of seventy cubits and two-third in the vicinity of the city, even if no building be there, and this is called the city-enclosure, belongs to the city, and from its outskirts the measurement to the boundary line should begin.

2. A walled city even if it is very large, may be traversed throughout, also through its outskirts, and from thence is measured the Sabbath boundary. A city which is not surrounded by a wall, if there be no vacant space between one house and another for a greater distance than seventy cubits and two-thirds, it is considered as joined together, even if it would take many days to traverse it, and from the last house the city-enclosure and the Sabbath boundary should be measured.

3. An enclosure is allowed only to a city, but to one house no enclosure is allowed, but the Sabbath boundary is measured from the very wall of the house.

4. If there were two cities near each other, an inclosure should be added to each, hence if the distance between the two cities was no greater than the dimensions of two-enclosures, they should both be considered as one city.

5. There are many laws concerning the measuring of a Sabbath boundary, and it should only be done by one versed in these laws.

6. One who needs to go further than the Sabbath boundary on a Sabbath or Festival is required to put down a boundary *'erub* on the eve of the Sabbath or Festival. He is required to put it within the boundary lines of the city in a place where he would be permitted to go. The place where he puts the *'erub* is considered as his habituation, thereby acquiring the right to walk from thence two thousand cubits in each direction. Of course, it is understood that what he gains on the side where he puts the *'erub* he loses on the other side. For instance, if he put the *'erub* at a distance of two thousand cubits in the easterly side, he is not permitted to walk at all on the westerly side, because he is already a Sabbath limit distant from his dwelling.

7. How should the *'erub* be made? one should take bread sufficient for two meals, or that which is eaten with bread, enough to eat therewith bread for two meals, excepting salt and water with which an *'erub* is not made, and go into the place where he desires to put it, and pronounce the bendiction: "Blessed art thou, O Lord our God who hath sanctified us with His commandments, and commanded us concerning the precept of the *'erub*," and then add; "By virtue of the *'erub* shall it be permissible for me to go from this place two thousand cubits in each direction," and then return to his house. He may let an *'erub* lay for many Sabbaths,

but he should put it in a safe place so that it should not be lost or spoiled.

8. One may send the *'erub* through a messenger who can put it down on his behalf. The latter should then pronounce the benediction and say: "By virtue of this *'erub* shall it be permissible—(naming the principal) to go," etc. It is essential that the messenger be an intelligent adult. Even if the messenger did not thereafter return to the principal he may depend on it, for it is taken for granted that the messenger accomplished his mission.

9. Many people may obtain dispensation by means of one *'erub* if it consists of sufficient food to make it valid for each. If one puts one *'erub* down for all of them, he should make them acquire a right therein through another, in the same manner as is done with the *'erub* of courts. The *'erub* for boundaries should not be made for anyone without his knowledge. The one who puts down an *'erub* as an agent for many should say: "It shall be allowable for this, and that one." If he puts it down for himself as well as he should say: "For me and for this and for that one."

10. It is essential that the *'erub* shall lay in a place where it is possible to partake thereof on Friday in the twilight without transgressing a prohibition of the Torah. Hence if it was placed in a pit and covered with earth, the *'erub* is not valid. If it was covered with a stone the *'erub* is valid. If it was placed upon a tree, if it is a hard tree the *'erub* is valid; if it was put upon a soft tree or stalk the *'erub* is not valid.

11. If one placed the *'erub* in the midst of the city, it is considered as if he is a resident of that city, and he may traverse the entire city even if it is large, also outside of the city the length of the outskirts until the Sabbath boundary, for it is considered as if he lived there.

12. If within the bounded district there be a city which is surrounded by walls, or in which an inter-community was formed by means of an *'erub*, that city is not included in the measure, and it does not count for more than four cubits. This is true only when the boundary line extends beyond the outskirts of that city; e. g., if there are five hundred cubits from the *'erub* until the city, and the length of the city is one thousand cubits, the city is not figured at more than four cubits, and he has yet one thousand cubits, four hundred and ninety-six cubits beyond the city (unto the Sabbath boundary). If, however, the boundary line ends in the middle of the city he is forbidden to walk any longer, as beyond that is outside the boundary line; in that regard the entire city is not reckoned to him as four cubits.

13. The same law applies to him also who has put the *'erub* down at a place which is near two-thousand cubits without the city. If when afterwards returning to his city, the two-thousand cubits from the place where he had put the *'erub* end where the city begins, before reaching his house, he is forbidden even to return to his house. (This is the opinion of the majority of the authorities, and this is the prevailing law).

14. An *'erub* for boundaries should be made only for the purpose of performing a religious precept, e. g., to pray in an assembly of ten, or to meet one's Rabbi or friend who had returned from a journey, or to go to a feast given in the performance of a religious act, or to attend to matters in the interest of the public, or if he had returned from journey and he desired to go to his house, and the like.

15. The *'erub* for boundaries should not be put down on a Sabbath or a Festival. If therefore a Festival occurred on the eve of the Sabbath and he desires to go (beyond the boundary line) on the Sabbath, he is required to put the *'erub* down on the eve of the Festival. On a Festival after the Sabbath, if he desires to go on the Festival, he is also required to put the *'erub* down on the Sabbath-eve.

16. The property and live-stock of a man are governed by the laws which restrict his own feet; thus, it is forbidden to take them where he is not allowed to go. If, however, he had loaned them to another, or hired them out, or delivered them to another's care, they are governed by the law applying to one in whose charge they are. Even if the latter be a non-Jew, the cattle and the property have acquired the Sabbath-rest at his place, furthermore even the property of the non-Jew acquires the Sabbath-rest wherever they are on Friday in the twilight.

17. If a non-Jew brought fruit regarding which there need be no apprehension of their having been plucked to-day, (or any other article regarding which one need not apprehend that any labor was performed therein on Sabbath), only that it is forbidden on account of having been brought from beyond the Sabbath boundary, then if the non-Jew brought it for himself or for another non-Jew, it is at once permitted to make use of it, even to partake thereof; only that it is forbidden for him to carry it more than four cubits unless it was brought into the house; or if the city is supplied with an *'erub* then it is permissible to carry it in the entire city, for wherever it is permissible to carry it is considered like a man's four cubits. If, however, it was brought especially for the Israelite, he and his entire family are forbidden to make use thereof the entire Sabbath, and on the close of the Sabbath they must wait the length of time it would take to bring it. Nevertheless it is permissible for him to carry it within a space of four cubits, or in the entire city, if it is surrounded by a wall or provided with an *'erub*. When it is a matter of conjecture as to whether it was brought from beyond the Sabbath boundary, it is also forbidden, unless it may be more readily surmised that it was not brought from beyond the boundary.

18. It is an established fact with us that there are no boundaries above ten hand-breadths from the ground. Therefore if one boarded a vessel on the Sabbath-eve before the coming in of the Sabbath and the vessel sailed away, even on a long voyage, if it reached port on the Sabbath and he landed, he has the right to go from that place a distance of

two thousand cubits in any direction, as it is presumed that during the entire voyage of the vessel, he is always above ten hand-breadths from the ground, and he did not acquire the Sabbath rest until he reached land. If, however, he had left the vessel during the Sabbath and returned thereto after having been on shore during the Sabbath, he had then acquired the Sabbath rest, and if the vessel afterwards sailed beyond the boundary-line, he has only four cubits on shore as he is governed by the law applying to one who went beyond the boundary-line. If a vessel reached a port on the Sabbath where it is not ten hand-breadths above the ground he had there acquired the Sabbath-rest. If he is in doubt whether it was at such a place or not, the law may be relaxed.

CHAPTER XCVI.

Laws Concerning the Evening Prayer and the Laws Concerning the Habdalah.

1. The Evening Service should be said at a later hour (than on a week-day), and when saying: "And he being merciful" etc., and "Bless ye" etc., the reader should prolong the singing thereof in order to add from the profane to the sacred. In the prayer *'amidah* one should include: "Thou hast favored us" etc. If one forgets to say it, and he recollected it before he pronounced the Divine Name of the benediction: "Gracious giver of knowledge", he should say "Thou hast favored us" and "Oh favor us". If, however, he did not recollect it until after he had pronounced the Divine Name, he should conclude the benediction; "Thou hast favored us," and he need not repeat the *amidah*, as he will afterwards pronounce the *habdalah* upon a goblet. But he should not do any manner of work nor partake of anything before he will have pronounced the *habdalah* upon the goblet, and if he did some work or partook of something, he is required to repeat the prayer.

2. After the *'amidah*, half of the *ḳaddish* is said followed by: "And let the pleasantness of the Lord" etc., because this is a psalm of blessing wherewith Moses had blessed the people upon the completion of the Temple. It must be said standing, and it is customary to repeat twice the last verse: "With length of days;" afterward: "But Thou art holy" etc., should be said, also the verses of sanctification that belong to: "And let the pleasantness of the Lord", because on account of the work of the Temple the Divine Presence rested in Israel and as a result of this: "But art holy, O thou dwelleth amid the praises of Israel." In the event of a Festival occurring in the week that follows, even if it occur on the day preceding the Sabbath, the above prayers are not said, because since it is said; "The work of our hand establish Thou it," there must be then six working days; and since: "And let the pleasantness of the Lord" is not said, then "And Thou art holy", is likewise omitted, because they belong to one another. After "And let the pleasantness of the Lord" and "Thou art holy" we say the whole *ḳaddish*, after which we say "And may God give thee." The reason the Evening Prayers are thus prolonged on the

conclusion of the Sabbath, is to delay the return of the wicked to the Gehena, for they wait until the last assembly in Israel.

3. Just as it is mandatory to sanctify the Sabbath on its inception, so is it mandatory to sanctify the Sabbath on its conclusion upon a cup of wine, that is the *habdalah*. Benedictions should also be pronounced upon spices and upon the light. Women also are in duty bound to hear the *habdalah*, they should therefore listen well to the benediction. When wine cannot be procured, the *habdalah* should be pronounced upon another beverage which is the national drink, water excepted.

4. From sun-set on it is forbidden to eat or drink anything except water previous to pronouncing the *habdalah*. One, however, who prolongs the third Sabbath-feast until the night is permitted to eat and drink, inasmuch as he began it when allowable. He is also permitted to drink from the goblet of Grace, as that also forms part of the feast. This, however, is permissible only when it is his invariable custom to say Grace upon a goblet of wine, but one who sometimes says Grace without such goblet, is forbidden to drink from the goblet of Grace before having pronounced the *habdalah*.

5. No work should be performed previous to the saying of the *habdalah*. Women who need to light up before the saying of the *habdalah* should first say "Blessed be .... who makest a distinction between holy and profane, between light and darkness, between Israel and other nations, between the seventh day and the six working days. Blessed art Thou who makest a distinction between holy and profane." If a Festival occurs on Sunday, the blessing should be concluded with: "Who makest a distinction between holy and holy.

6. One who delays saying the Evening Prayers on the conclusion of the Sabbath, or who prolongs his meal into the night, is permitted to tell even an Israelite who had already prayed and said: "Thou hast favored us" in the *'amidah*, to do some work for him, and he may derive benefit from his work although he thereafter mentions the Sabbath when saying Grace.

7. One should fill up the goblet of *habdalah* to its very brim letting it slightly overflow as a token of blessing; then take the goblet in the right hand and the spice box in his left and hold them thus until after pronouncing the benediction: "The Creator of the fruit of the vine"; then he should transfer the cup to the left hand and the spice-box to the right and pronounce the benediction: "Who createst divers kinds of spices"; then he should pronounce the benediction upon the light; after which he should again take the goblet in his right hand and pronounce the benediction: "Who makest distinction", and on concluding he should resume his seat and drink the entire contents of the goblet. He should spill out what is

left in the goblet and therewith quench the candle. It is the custom that women do not drink from the cup of *habdallah*.

8. It is well to put some of the spice called "musk" among the spices, as all are agreed that the blessing " Who createst divers kinds of spices" should be pronounced thereon. One should also take an "Hadas" (spice-box for ritual use), inasmuch as a religious duty was once performed therewith.

9. It is mandatory that the light for the *habdalah* should be made of wax and consist of several strands twisted together like a torch, but if he has none, he should pronounce the benediction on two candles which should be held together so that both flames should merge in one like a torch. It is customary that after saying: "Who createst the light of the fire," he should look upon his fingernails of the right hand, and it is customary to look also upon the palm of the hand. It is proper to bend in the four fingers on the thumb into the palm of the hand, and look at the nails and at the palm at one time, thereafter he stretches out his fingers, and looks at the nails from the other side.

10. One who cannot smell should not pronunce a benediction or spices, nor should one who is blind pronounce a benediction upon the light.

11. If after having pronounced a benediction upon the wine, while holding the spices in his hand and intending to pronounce a benediction thereon, he had erred in the words and said: "Who createst the light of the fire." but instantly becme ware of it and concluded: "Who createst divers kinds of spices," it is a valid bendiction upon the spices, and he should afterwards pronounce the benediction upon the light. If, however, it was his intention to pronounce that benediction upon the light, it is a valid benediction upon the light and he should afterwards pronounce the benediction upon the spices.

12. It is mandatory to light upon the conclusion of the Sabbath somewhat more brilliantly than usual and to chant the appropriate hymns, and thus accompany the Sabbath upon its departure as is customary to accompany a king upon his departure. The name of Elijah the prophet should also be mentioned, and prayers should be said that he may come to bring us the glad tidings of the redemption. For Elijah would not come on the day preceding the Sabbath in order not to disturb Israel from preparing for the Sabbath. On the Sabbath we do not pray for his coming, because we are not certain as to whether the Sabbath limit applies to an altitude above ten cubits, and therefore he is unable to come on the Sabbath. Therefore when the Sabbath has passed we pray that he should come and bring us good tidings. Again it is stated in the Midrash, that every Saturday night Elijah enters Paradise and sitting under the tree of life, marks down the merits of the Israelites who observe the Sabbath, therefore we mention him for good.

13. Whoever is able should partake in the "feast of accompanying the Queen" of bread and warm victuals. One should set a good table in honor of accompanying the Sabbath. One who is unable to partake of bread should at least eat cake or fruits.

14. One who had already said the *habdalah* may repeat it for the sake of his sons who have reached the age of religious training, in order that they may thus fulfill their obligations, and all the more so for the sake of a grown person. One who pronounces the *habdalah* for the sake of others should inhale the perfume of the spices when saying the benedictions: "Who createst the divers kinds of spices," so that the benediction be not pronounced in vain. One who had already said the *habdalah* should not repeat it for the sake of the women alone.

15. If one had forgotten or was prevented by an accident or had wilfully neglected to say the *habdalah* on the conclusion of the Sabbath, he should say the *habdalah* at any time until the end of the third day, but he should not say a benediction on the spices, nor on the light, and he should only say the benediction: "Who createst the fruit of the vine". After Tuesday the *habdalah* should not be said, because the first three days of the week are called the days after the Sabbath and are included in the conclusion of the Sabbath, but the last three days are called the days before the ensuing Sabbath and have no connection with the past Sabbath.

CHAPTER XCVII.

Laws Concerning the New Moon and the Consecration of the Moon.

1. On the eve of the New Moon some are accustomed to observe a fast, and special services called "Services for the Minor Atonement-Day" are held, for on this day pardon is accorded for the sins of the past month, compared with the goat sacrificed on the New Moon, and as we say in the Additional Service: "A time of forgiveness to all their children."

2. It is mandatory to regale oneself at the meal of the New Moon. If it occurs on the Sabbath an extra dish should be prepared in its honor.

3. It is permissible to do work on the New Moon. Women are accustomed not to do any work on that day. It is a beautiful custom, and they should not be discouraged.

4. *Hallel* should be said standing and without interruption. One should endeavor to say it together with the congregation, hence if one arrives at the synagogue when the congregation is about to begin saying *Hallel*, he should join them and pray afterwards; if he is then saying Special Psalms he should say *Hallel* with the congregation, but he should not say the benedictions before and after *Hallel*, as the benedictions, "Blessed be he who spoke," and "Praised be" will answer the same purpose for the *Hallel*. This, however, may be done only on the New Moon when parts of the *Hallel* are omitted, likewise during the Intermediate and last days of Passover, but when the entire *Hallel* is said this cannot be

done. One who was saying *Hallel* without the congregation, if two more are there, he should say "I give thanks" before them in order that they should respond, for saying of "O give thanks" implies an exhortation to another.

5. After the *Hallel*, the entire *kaddish* is said and two Scrolls of the Law are taken out, and four persons being called up to its reading. The Cohen reads three verses, i. e., "And he spoke", "Command", and "Thou shalt say". The levite repeats the verse, "Thou shalt say", and adds "One lamb" and " One tenth of an Epha". The Israelite reads from, "Continual burnt offering" up to "And at the beginning of your months." The one called up for the fourth portion reads, "And at the beginning of your months" etc.

6. On the New Moon it is forbidden to fast, to deliver a funeral eulogy and to say the services for the dead.

7. It is obligatory to consecrate the moon each month. It should not be consecrated before it is actually night, when its light is reflected upon the ground and one may enjoy of its light. If it was obscured by a cloud it should not be consecrated unless the cloud is light and filmy. If one began the benediction and the cloud obscures the moon, he should conclude it. If, however, he thinks that he will be unable to conclude the benediction before the moon will be obscured, he is forbidden to begin it.

8. It should be consecrated only in the open air, and not under a roof; if, however, he has no clean place, or he is unable to do it through some other cause, he is permitted to consecrate it also in the house through a window.

9. It is mandatory to consecrate it on the conclusion of the Sabbath when he feels happy and is dressed in beautiful clothes but, if it will then be more than ten days from the beginning of the New Moon, or it is apprehended that he will then be unable to consecrate it, one need not wait until the conclusion of the Sabbath. It is mandatory to consecrate it in the midst of a multitude, for in the multitude of people is the glory of the king. He, however, should not postpone it on that account, for the duty, "to perform precepts without delay" takes preference over the precept "in a multitude is the glory of a king "

10. It should not be consecrated before at least three days had elapsed from the New Moon, nor should it be consecrated after fourteen days and nights, eighteen and twenty-two minutes had passed since its conjunction.

11. It should not be consecrated before the ninth day of Ab. neither when one is in mourning, however, if the days of mourning will not end before ten days will elapse from New Moon. then he may con-

secrate it during his days of mourning. It should not be consecrated on a fast day before he tasted something. Nevertheless, on the conclusion of the Day of Atonement, it may be consecrated immediately because then people leave the synagogue joyfully, their sins having been forgiven.

12. It should not be consecrated on a Friday night, nor on a Festival night, unless in an emergency when the time for its consecration will have passed on the conclusion of the Sabbath.

13. A blind person is permitted to consecrate the moon.

14. If the moon was visible in the beginning of the night before the Evening Prayers had begun, and there yet remain several nights to consecrate it, the Evening Prayers should first be said and then the consecration of the moon, because between a precept which is constant and one that is not constant, the constant has precedence, and for the further reason of the reading of *sh'ma*. If, however, there remain only two or three nights, the time being so short, it may be apprehended lest it will be obscured by clouds; and in a rainy season even if four nights yet remain, it may be apprehended lest it be obscured by clouds, and the consecration of the moon should therefore take precedence. If the moon became visible while reading the *sh'ma* and its benedictions, and the time for its consecration be so limited that it will have passed after the *'amidah* is said, then prayers may be interrupted even in the midst of the benedictions, or in the midst of reading the *sh'ma* in order to consecrate it, but if possible it should be consecrated between the sections.

15. If during the month of Adar the moon was not visible until the night of the fourteenth, which is the time for reading the Book of Esther, the moon should be consecrated first and the Book of Esther read thereafter. If it became visible during the reading of the Book of Esther, if it be at such a time that it will be valid to consecrate it also after the reading is concluded, the reading of the Book of Esther should not be interupted, but if the time for the consecration of the moon will have passed before the reading of the Book of Esther is concluded, and the entire congregation had not as yet consecrated the moon, they should interrupt the reading of the Book of Esther and consecrate the moon, concluding the reading thereafter. If only an individual has not consecrated it, and if he will interrupt the reading, he will thereafter have to read the Book by himself, he must not interrupt because to proclaim the wonderful event is preferable.

CHAPTER XCVIII.

Laws Concerning A Festival.

1. Any work which one is forbidden to do on the Sabbath, one is forbidden to do on a Festival. And just as on the Sabbath it is prohibited to do work through a non-Jew, so it is on a festival. Just as it is mandatory that one's cattle repose on the Sabbath, so is it mandatory that it rest on a Festival. In the observance of a Festival it is different from the Sabbath only as regards supplying food for human beings. As it is said: "Only that which is eaten by any soul this alone may be prepared by you." Thus, kneading, baking, slaughtering and cooking are permissible on a Festival. Carrying from place to place, also kindling a fire are all permissible on a Festival even when not required for supplying food, but for another purpose. As our Rabbis, of blessed memory, received it by tradition that since it is permissible to be done when required for the need of human food, it is likewise permissible when not needed for supplying food but for another purpose. It is not permissible to light a Jahrzeit candle on a Festival.

2. The making of cheese or butter or the curdling of milk by placing something therein to cause it to coagulate is forbidden on a Festival. It is forbidden to separate the cream from the milk, unless one lets some of the cream remain with the milk on the surface. Even in this manner it is only allowable to separate as much as he needs on that day, but it is forbidden thus to separate it for the following day, because it amounts to the preparing of food from one day to another (which is forbidden). If, however, he apprehends that he will sustain a loss, he may have a non-Jew separate it in the manner aforementioned.

3. On a Festival it is allowable to pound spices if done in an unusual manner, when if pounded before the Festival it would lose its taste; e. g., to lay the mortar on its side, or to pound them on the table, or the like. When rubbing horse radish on a grater, one should not rub it in a plate in the manner usual on a week-day, but on a cloth. Coffee, too, should not be ground in a mill but crushed in a mortar and done in an unusual manner. It is, however, better to prepare all these on the eve of the Festival. Articles of food whose flavor does not spoil should surely be ground on the day preceding the Festival, but if one had forgotten, they also may be prepared in an unusual manner. All of the foregoing is permitted only as much as is required for the day, but not for the mor-

row. One should even be scrupulous and not prepare any more than is necessary for the immediate use of the meal. In pounding *matzah* one should also observe the foregoing rules.

4. It is forbidden to split wood or even to break it by hand. It is also forbidden to collect wood that is scattered about.

5. It is forbidden to arrange kindle wood on stones in order to start a fire, because he is building a tent thereby, as it is equivalent to two partitions with a roof over them. In such case it is necessary to do it in an unusual manner, e. g., to hold the wood in his hand and place the stones underneath. When placing a pot on stones in order to kindle a fire beneath them, it is also necessary that he hold the pot in his hand and place the stones underneath, but he should not place it on the top of the stones.

6. It is forbidden to blow up a fire with bellows, for it is forbidden to do anything (on Festivals) after the manner of the artisan. It is the general custom to allow the use of private bellows by working it in an unusual manner in an inverted position. But it is prohibited to be done with the bellows of an artisan even when worked in an unusual manner.

7. It is permitted to separate peas, all that one needs for that day, but not with a sieve, nor should they be placed in water in order that the worthless matter or the edibles should float on top, but he should separate them by hand and gather up what is most convenient for him. If it is easier for him to gather the worthless matter, he may gather it, and if it is easier for him to gather the edibles, he may gather that.

8. If one desires to sift for a second time flour that had already been sifted, he should sift it either through a non-Jew or in an unusual manner, e. g., by sifting it through the back of the sieve. The same should be done with ground *matzah*. It is forbidden to sift flour that was not bolted, excepting through a non-Jew and in an unusual manner. It is forbidden to separate worthless matter from flour, as for instance, if some foreign substance fell therein. It is even forbidden to separate the large pieces from the broken *matzah*.

9. Kneading is permissible on a Festival, nevertheless one should not measure the flour but he should take as much as he can guess approximately. If, however, he does not measure it exactly, but he either diminished or increased the quantity, it is permissible.

10. The dough that is cut up in order to cook it with soup should be kneaded on the day preceding the Festival, as the stale ones are better than the fresh. But if one did not knead it on the day preceding the Festival, he may do so on the Festival in an unusual manner; thus if he

usually kneaded it upon a board, he should knead it on a cloth, or the like. Victuals that do not become stale, such as dried fruits, and the like, should also be cooked on the day preceding the Festival.

11. One who kneads dough on a Festival is permitted to separate the *hallah* (the priest's share of the dough) therefrom, but it is forbidden to burn it because holy things are not burnt up on Festivals. He is also forbidden to bake it, inasmuch as it is not right to use it as food, for we are all defiled by coming in contact with dead bodies. The handling thereof is also forbidden, but directly following the separation of the *hallah* he should lay it down in a safe place until the conclusion of the Festival when he should burn it. It is forbidden to separate the *hallah* on the Festival from dough which was kneaded on the day preceding the Festival, but he may bake it and partake thereof, and leave over some bread from which to separate the *hallah* on the conclusion of the Festival. He should leave sufficient bread for *hallah* and still have some left over.

12. It is forbidding to knead clay on a Festival, even through a non-Jew. Therefore if one need the clay to daub therewith the opening of the stove wherein food is stored away for the Sabbath, he must prepare clay that was kneaded before the Festival. To take dirt from the street is also prohibited unless he prepared it before the Festival and placed it in a corner. One should be careful not to plaster the clay or the dirt, but should close it up without plastering, for some authorities forbid plastering on a Festival even when required for the preparation of the necessities of life.

13. Poultry which is in one's house or yard which is to be used for food and which have been domesticated for some time, that though they go away from the house they come back in the evening, it is permissible to catch them, even if they are outside of the yard, for the requirements of the Festival in order to kill them, but if not for the requirements of food it is forbidden to catch them. If they are new and unused to the house, it is forbidden to snare them even for the requirements of food, and even while they are within the house, but at night when they are perched it is permitted to take them. In any event care should be taken on the day preceding the Festival to select those which one intends to kill on the Festival, lest the one caught prove unfit, and then he will have carried it needlessly which is prohibited. Poultry which is not kept for food but for laying purposes may not be handled.

14. It is forbidden to snare even those domesticated doves who are accustomed to come to their nests, although he had them in readiness from the day preceding the Festival.

15. It is permitted to cut or burn the cord from the feet of the poulttry after they are killed. It is also permitted to sew stuffed poultry providing the needle is threaded on the day preceding the Festival. If it is not threaded on the day preceding the Festival, it is forbidden to thread it on the Festival. After it was sewn it is permissible to burn the remaining thread.

16. It is forbidden to catch fish from a fish pond with a vessel, if it is impossible to catch them with one's hands. If, however, one is able to catch them with his hands he is permitted to catch them even with a vessel. If there are many fishes there, he should designate on the day preceding the Festival, that which he desires to take on the Festival by making a certain sign thereon, and if he needs all, he should designate all, that is, he should say on the day preceding the Festival: "I designate all these fishes for the Festival."

17. It is forbidden to use anything of which there is a doubt as to whether it is being snared or prepared, but if very necessary this law may be relaxed on the second day of the Festival, but not on Rosh- Hashana.

18. It is forbidden to give to drink or feed any living creature that may not be handled when close to it but it should be done at a slight distance.

19. If one had killed poultry and then found it unfit for use, he is forbidden to handle it as it is like any other thing that is not counted on for use. If, however, he slaughtered an animal and it was found unfit for use, he is permitted to hide it where it will not get spoiled. But if he cannot hide it where it will not get spoiled, he is permitted to sell it to a non-Jew, providing he does not mention the price and does not weigh it. Perhaps one may not be stringent regarding fed geese among whom many unfit ones are generally found.

20. An animal should not be slaughtered on a Festival unless it is very necessary. It is forbidden to sell the meat by weight and at a fixed price, but one can give to another any quantity of meat to be paid therefor after the Festival.

21. It is proper for one who slaughtered an animal not to examine the lungs until after he strips the skin, for if after the lungs were examined it was found unfit, the animal may no longer be stripped. And one is permitted to handle the skin of an animal that he had slaughtered that day in order to put it away, but not to spread it out to dry; but it is forbidden to handle other skins. It is also permitted to handle the feathers of a fowl which was killed on that day in order to put them away; but it is forbidden to handle other feathers.

22. It is permitted to salt meat to purify it of its blood, even if it was possible to salt it on the previous day, providing it is needed on that day. If he has more meat which he fears might be spoiled, he is permitted to salt it all together, even if it is a large quantity and it is not required for that day, as it is all the same labor. It is, however, forbidden to salt on the Festival meat that was salted and cleansed of its blood, and fish that it were possible to salt on the day preceding the Festival.

23. When baking pastry on a Festival it is forbidden to make figures thereon through a mould or by hand, such as the figures of fowl or the like.

24. It is forbidden to plaster on a Festival, and therefore it is forbidden to wax or tallow a candle in order to make it stick to the candle-stick or the wall lest he plasters it. If the socket of the candle-stick is filled with tallow he is permitted to clean it with a thing which may be handled.

25. It is forbidden to quench a fire on a Festival, it is even forbidden to cause it to be quenched. Consequently it is forbidden to place a lighted candle where the wind may blow it out even if there is no wind blowing at the time; it is likewise forbidden to open a door or a window opposite a lighted candle.

26. It is permitted to cover the fire with a vessel or with ashes that were prepared previously, although it is likely that it may be slightly quenched by being covered, nevertheless since his intentions are not to quench it (and the work is likewise not essential to it), it is permissible for the need of the Festival. This is permitted only when needed for that day and not for the night, because the night belongs to the next day.

27. Vessels which are forbidden to be used should be neither purged nor glowed on a Festival. (For the law regarding the purging of vessels, vide chapter lx supra).

28. The law concerning the washing of dishes on a Festival is the same as on the Sabbath. It is forbidden to wash them on the first day of the Festival for the use of the second day of the Festival.

29. It is forbidden to make a fire in order to heat the house, unless when the cold is intense that the food freezes, then it is considered as supplying food, but if the cold is not intense it is forbidden.

30. It is permitted to heat water wherewith to wash one's hands, but not for the entire body. It is also forbidden to heat water even through a non-Jew even when required for an infant. But a larger quantity may be heated for his sake; thus although only a little water is needed for cooking, it is permitted to heat even a large boiler, providing all the water be poured in before placing it upon the fire, and nothing added thereafter. If the child is ailing it is permitted to heat water for his sake through a non-Jew.

31. It is forbidden to draw fire either from a flint, a piece of glass, or a match.

32. It is forbidden to fumigate, that is to scatter spices upon coals, either for the purpose of smelling it, or to perfume the house or vessels, for it is written "for every soul," it is required to be of the nature that everybody requires it, but perfuming is only a necessity for the delicate and the rich. Concerning the smoking of tobacco, the authorities differ. Even according to those who permit it, it is necessary to be careful not to light it with a piece of paper or with a coal, because when he throws them on the ground he may quench it, and he is apt to make such a mistake since he is accustomed to do so on week days. If on the paper there are some letters either written or printed, and he burns them, there is also the violation prohibiting erasing. It is necessary to light it with a flame. And one is forbidden to smoke in a new pipe. It is also forbidden to cut the tobacco on a Festival; and it would seem that according to the same law it should be forbidden to cut the butts of cigars.

33. A thing which cannot be termed true work, and yet is forbidden to be performed on the Sabbath for an ill person who is not in danger, is also forbidden to be performed on the first day of a Festival and also on the two days of the New Year (vide Chapter xci, supra, and Chapter xcix, 2, infra), unless it is done through a non-Jew. However, on the second day of a Festival (excepting on the New Year), it may be done through a Jew also. What may be termed true work, one is forbidden to perform even on the second day of a Festival for the ill who is not in danger, unless it be done by a non-Jew.

34. The carrying from one domain into another is permissible on a Festival, even things that are not required for the supplying of food. There must, however, be some need for it, but if there is no need whatsoever for it, it is forbidden to be carried out unless it be a place where it may be carried out on the Sabbath. Even regarding things needed for the supplying of food, for instance bottles of wine, one should not carry heavy burdens as he is accustomed to do on week days, but should do it in a different manner. If, however, he is unable to do it in a different manner because he has many guests, he may bring them in the usual way.

35. All kinds of work permitted to be done on a Festival, are only for the requirements of man, but not for the need of beasts, because it is written: "Shall be done for you," and it is explained to be done for *you* but not for beasts. Therefore it is forbidden to cook or bring out anything for the need of beasts the same as on the Sabbath.

36. It is forbidden to cook or bake for the need of a non-Jew, but the one who has a non-Jewish domestic, may cook in the same pot so that there be also enough for the domestic, but for a non-Jew of worth he is forbidden to even add. Furthermore, even if the Israelite cooked or

baked anything for himself, he is forbidden to invite the non-Jew to eat with him. However, a non-Jew whom he does not treat with distinction he may give something of what he cooked or baked. As far as baking bread is concerned it must not be done even for one's non-Jewish domestic.

37. It is forbidden to carry out from one domain into another for the need of a non-Jew, unless it be into a place where it is permissible to be carried out on the Sabbath.

CHAPTER XCIX.

Laws Concerning Things Forbidden to be Handled on a Festival.

1. Everything that is forbidden to be handled on the Sabbath is forbidden also on a Festival. There are some authorities who hold that things not counted upon for use, or things set apart because they are filthy, although they may be handled on the Sabbath, they may not be handled on a Festival. Therefore fruit that were set apart for merchandise may not be handled on a Festival, but he must designate them before the Festival, i. e., he should say: "From this fruit I will eat to-morrow." We are to be lenient regarding fruit sold little by little.

2. An egg which was laid on a Festival is forbidden even to be handled, but it is permitted to cover it with a vessel to keep it from breaking. If it was laid on the first day of the Festival, its use is permitted on the second day, but if the second day occur on the Sabbath its use is prohibited on that day. If the first day on which it was laid is Sabbath its use is prohibited also on the following day (the second day of the Festival). Whenever the Sabbath is next to the Festival, whether preceding or following it, if laid on one day its use is prohibited on the other day. On Rosh Hashana, if laid on the first day its use is prohibited also on the second day. For Rosh Hashanah is considered as but one prolonged day, as regards restrictive measures, as in the present case, but as regards the law prohibiting to prepare food from one day to the other, Chapter ci, infra, there is no distinction between an ordinary Festival and Rosh-Hashanah, for as regards a lenient rule we do not say that it is considered as one prolonged day. If Rosh Hashana occurs on Thursday and Friday, even if it was laid on Thursday, its use is prohibited also on the Sabbath. If one had killed poultry and found eggs within, even if they are perfect, their use is permitted even on the same day.

3. The handling of wood is permitted only when required for kindling a fire, but when not required for burning it is forbidden to handle it. Therefore, one should not support a pot or a door with a wooden wedge.

4. It is permitted to handle on a Festival the ashes of wood that was burned on the day preceding the Festival, because it is ready to be used for some of men's necessities, to cover therewith excrement, saliva,

and the like. If it was from a fire made on the Festival, if the ashes are still hot that you can bake an egg with it, it is permitted to handle it, but if it became cold it is forbidden to handle it, because it is like a thing that came into existence this day, for yesterday it was wood and to-day it is ashes, and it is even worse than things set apart.

5. It is permissible to kindle a fire with the shells of nuts that were consumed before a Festival. If they were consumed on a Festival the shells may not be burnt and it is even forbidden to handle them. The same law applies to other shells although they are fit for the food of animals, because it is considered like a thing born to-day since yesterday they were fit food for human beings.

CHAPTER C.

Laws Concerning the Benediction of the Priests.

1. It is mandatory upon the Priests, according to the Torah, to bless the people, for it is written "Thus shall ye bless the children of Israel". If a Priest who can validly perform the functions of Priesthood and he does not go up, he transgresses a positive precept. He is considered a violator of the law only when he is called upon to do so, for it is said, "Say to the," and the Targun translates it: "When they are told." It is customary in our countries not to raise hands in benediction except on Festivals, because then people rejoice the holiday, and on the Day of Atonement because there is rejoicing on account of forgiveness and pardon, and only the merry of heart should give benedictions, which is not true of other days. Even on Sabbaths their minds are troubled about their livelihood and their staying away from work. Even on a Festival they raise their hands in blessing only at the Additional Service, because after they leave the synagogue they will rejoice with the Festival. There is also a custom prevailing in our countries that if a Festival occur on a Sabbath, except the Day of Atonement, the priests do not raise their hands. There are places where the custom prevails that even if a Festival occur on a Sabbath they raise their hands, and this is the proper custom.

2. The Priests should not raise their hands in benediction excepting in a congregation of ten, themselves included, because they too are included in the blessing, for it is said: "And I will bless them."

3. Previous to raising his hands in benediction the Priest should not drink wine nor any other intoxicating beverage, and if he feels weak and desires to partake of some cakes previous to saying the Additional Services he should hear another say the *kiddush*.

4. Before pronouncing the benediction the Priest should wash his hands until the wrist, i. e., the junction of hand and arm, as they used to wash their hands in the Temple before service, as it is said: "Raise your hands in holiness and bless the Lord." It is doubtful whether it is neces-

sary to pronounce a benediction over this washing of hands, since such benediction was pronounced in the morning upon rising. And because it is doubtful it is the custom not to pronounce the benediction. If the priest touched in the meantime an unclean spot, he would have to say the benediction over this washing, but it is not customary. Every Priest who is God-fearing should take care not to touch any unclean spot from the time he washed his hands in the morning, so that he should not have to say the benediction again.

5. The Levite should pour water upon the hands of the Priests, as it is said: "And also thy brother the tribe of Levi appoint with thee they shall join thee and minister to thee." If no Levite be present, a first born son, the first-born of his mother should pour the water, and if there be no first born, it is best for the Priest to do the laving himself, and not to have it done by an Israelite. If the hands of the Levite or the first-born who is to pour water upon the hands of the Priests are unclean, he should previously wash his hands.

6. It is forbidden to go up to bless the people with the shoes on, but the priests should remove them before laving the hands. It is best to take care to hide the shoes under a bench, so they be not seen, out of respect to the public.

7. When the Reader begins the prayer: "Accept," etc., all the Priests should leave their seats in order to go up to pronounce the benediction, and their hands should then be proper to raise in benediction, they should therefore lave their hands before: "Accept," etc., is said. If, however, they laved their hands thereafter, it is also valid.

8. After going up to pronounce the benediction, they stand facing the Holy Ark in the east and say: "We give thanks", the prayer of the Rabbins, with the congregation, after which they say: "May it be Thy will, O Lord our God that this blessing which Thou hast commanded us to bless Thy people Israel be complete without offense and hindrance from now and forever." They prolong the chanting of this prayer until the Reader concludes with: "Unto Thee it is becoming to give thanks," in order that the congregation should respond Amen also to this prayer. The Reader says: "Our God and the God of our fathers bless us," in an undertone, but the word *Cohanim* he says aloud as that is a call to the Priests to pronounce the benedictions, then he resumes in an undertone: "Thy holy people, as it is said." After the Reader has called *Cohanim* the Priests begin the benedictions, all saying in unison "Blessed be Thou, O Lord our God, king of the universe who hath hallowed us with the holiness of Aaron," then turning their faces toward the people, they conclude: "And he commanded us in love to bless his people Israel," to which the congregation responds Amen, but the Reader should not respond Amen. From the conclusion of the blessing with the words: "With

love", it is inferred, that if the congregation hate the Priest, or vice versa, he should not raise his hands in benediction, and it is fatal for the Cohen to bless in such an event, he should therefore leave the synagogue. If there is only one Priest in the synagogue, the Reader should not say *Cohanim* in a loud voice, but the Priest should himself turn his countenance.

9. They raise their hands toward their shoulders and spread them out, and separate their fingers so that there be five open spaces between them; thus, between each two fingers there is one open space, and between two fingers and the thumb there is another open space, the same with the other hand, making four open spaces, and between the two thumbs there is also an open space, which makes five open spaces. This is necessary to be done because it is written "Shewing himself through the lattice; (Songs II, 9.);" (*he harakim*) five openings It is requisite to raise the right hand slightly above the left, the right thumb being above the left thumb. They should, however, spread their hands so that the palms be turned toward the ground and the backs of their hands raised heavenwards.

10. When the Priests bless the people they should neither look around nor divert their thoughts, but their eyes should be directed downward as when praying. The people should pay attention to the benedictions, and they should face the Priests, but they should not gaze at them, nor should the Priests themselves gaze at their hands. Thus they have made it a custom to let the folds of their *talethim* drop over their faces and hands, and the congregation do likewise in order not to gaze (at the Priests).

11. The people standing behind the priests are not included in the benediction unless they are compelled to stand thus, but the people who stand on the sides and facing them are included in the benediction. Therefore where the Holy Ark projects from the wall, the people who stand near the eastern wall are at the sides which are behind the Priests, and they should leave their places and stand where they can be at least at the sides which face the Priests. But if it is impossible, they are considered as those who are compelled to stand there and are included in the benediction.

12. The Reader recites the benedictions word for word, and the Priests repeat each word until they conclude the first verse and the congregation respond Amen, thus also after the second and third verses. The Reader should not recite from memory but from a prayer-book, not to become confused. He may also respond Amen after the verses, and this is no interruption. At the following words the Priests turn towards the

South and towards the North: "May He bless thee," "And keep thee," "To thee", "And be gracious unto thee," "Unto thee," and "Thee;" because these words are in the second person, therefore they have to turn also to the sides in order to bless all. They also turn thus when saying, "Peace", because it is the conclusion of the blessings. While the Priests prolong the chanting of the words ending the verse, that is: "And keep thee," "And be gracious unto thee" and "Peace", the congregation say: "Master of the universe," etc., and "May it be thy will," etc. The Priests should chant only in the designated air, to avoid distraction.

13. When the Priests pronounce the words the congregation should not say any verse, but should listen attentively to each word pronounced by the Priests; for is there found a slave who upon receiving a blessing should not listen attentively; and if they say verses in the middle they cannot listen attentively. Some people are accustomed to say the verses, but should do so when the Priests are chanting, and not when they say the words.

14. The Reader then begins: "Grant peace," and the Priests turn their faces towards the holy Ark in the East and say: "Master of the universe," and prolong the chanting of this prayer, until the Reader concludes: "Who blesseth Thy people Israel in peace", in order that the congregation should respond Amen also to their prayer. If they cannot prolong it till then, they should also say: "The Mighty in heaven," etc. On Rosh Hashana and Atonement Day when: "This day Thou shalt strengthen us" is sung, the Priests should not begin: "Master of the universe," until that prayer is nearly concluded, in order that they conclude their prayer at the same time as the Reader.

15. The Priests are not to begin the benediction: "Who has hallowed us" etc., until the reader completely finishes the word Cohanim, and the reader is not permitted to begin: "May the Lord bless thee," until the entire congregation has finished saying Amen; this also applies to the Amen said after: "And keep thee," "And be gracious unto thee," and "Peace", that the reader should wait and not begin: "Make shine," "May He lift up;" and "Grant peace," until the entire congregation has said Amen. The priests are not permitted to turn away their faces from the congregation towards the Ark until the reader begins: "Grant peace;" neither are they permitted to bend in their fingers before they turn away their faces from the congregation; and they are not allowed to descend on concluding the blessing before the congregation respond Amen to the benediction: "His people Israel with peace."

16. When the Priests turn their faces either at the beginning or at the end, they should turn only towards the right. Therefore at the beginning when they stand with their faces towards the East they should first turn South and then West, and after the blessing when they turn their faces East they should turn heir faces North. When they descend on concluding the benediction, their faces should be toward the Holy Ark; they should therefore walk backwards just as a pupil departs from his master. They should not touch their boots when putting them on, and if they do they are required to wash their hands.

17. An effort should be made not to appoint a Priest as reader, and if he happens to be a Priest he should not go up to bless the people, neither should he recite for the Priest but another man should stand by him who should call *Cohanim*, and also recite for them the words: "May the Lord bless thee" etc., while the reader should stand and remain silent until "Grant peace". He is not considered a transgressor in that he does not go up to bless, although the other man called out *Cohanim*, for this invitation is extended only to those who are not engaged in praying. If there be no other Priest but he then in order not to do away with the precept of raising the hands in blessing, he should go up to bless relying upon the laving of the hands in the morning. How does he do it? He removes his feet slightly while saying "Accept," and reads up to, "Unto whom it is becoming to give thanks." Somebody says: "Our God and the God of our fathers, bless us with the three-fold blessing" etc. and the Reader goes up to bless the people, while the other man recites before him. The Reader then resumes and says: "Grant peace" and does not say: "Sovereign of the universe" etc. till after *kaddish*. If he did not remove his feet while saying "Accept," he cannot go up.

18. A congregation consisting of Priests, if there are no more then ten, then all of them go up to say the blessing. Whom do they bless? Their brethren in the fields; and who responds Amen? Their women and little ones. If there are no women and little ones, the lack of one to respond Amen does not matter. If there are more then ten, then as many as there are above ten should go up to say the blessings, and ten should remain to respond Amen.

19. If a Priest who had raised his hands in benediction had later gone to another synagogue, he may, if he desires, go up to pronounce the benediction again, but if he is not so inclined he is not obliged to go up even if he hears the call *Cohanim* inasmuch as he had already gone up.

20. He who has a blemish in his face, is allowed to raise his hands in blessing in our countries where it is customary that all Priests fold up the *Talith* over thei: faces. He who has a defect in his hands, i. e., when they have a white eruption on the skin, or they are spotted with dots or they are crooked, or he is unable to part his fingers, he is not allowed to bless, because the people will look at him and divert their attention. But if he is known in his town, where he already stayed for

thirty days and people know him, he may raise his hands in blessing. If his hands were dyed he is not allowed to raise his hands because the people would look at him, but if it is the occupation of the majority of the people in the town, he may raise his hands in benediction. He who is unable to pronounce the letters properly, interchanging the *shin* and the *sin*, should not raise his hands unless the entire congregation read thus. Any priest not going up for the benediction should leave the synagogue before "Accept", and stay out until the end of the ceremony of hand-raising.

21. One who had wilfully killed a human being, even if he had repented thereof should not raise his hands in benediction; but if he had slain unwillingly and had repented, he should raise his hands in benediction. A renegade who has repented, should raise his hands in benediction. One who had married a woman divorced by her husband, or a widow, or a *haluzah* (see Lev. xxv.) or one who became defiled by contact with the dead, for whom he is forbidden to defile himself, should not raise his hand in benediction until he will have repented as directed by a learned man. The transgressions of other precepts do not debar one from raising his hands in benediction. A son born of illegitimate connections is also prohibited from raising his hands in benediction.

22. A mourner, before his dead was interred should not raise his hands in benediction, nor should a mourner during the twelve months of mourning for his parents, or during the thirty days for other relatives, raise his hands in benediction, but he should leave the synagogue before "Accept" is said until the benedictions are concluded. If, however, there are no two other priests in the synagogue, the mourner is permitted to raise his hands in benediction during the twelve months mourning for his parents, or during the thirty days for other relatives, but during the seven days, e. g., if he has interred his dead on a Festival he should not raise his hands in benediction, even if two other Priests are not there.

CHAPTER CI.

Laws Concerning the Preparation of Food on One Day of a Festival to Another, or for a Week-day.

1. All work that is permitted to be performed on a Festival is permitted only if required for that day. Preparing on the first day for the second day, even on Rosh-Hashona, especially for a week day, is forbidden. If, however, one needs to cook for that day he is permitted to cook in a large pot and fill it with meat or the like, although he does not need so much for that day, and leave some for the night or the morrow. This is only permitted with victuals, because it tastes better when much meat is boiled in one pot, provided that it should not be said expressly that the remainder is for the night or the morrow, but he should cook without making mention thereof. Where, however, the preparation of the victuals entails even but little labor, it is forbidden to prepare such foods in excess of what is required for that day.

2. Even a thing that is not actual work, as to bring water or even wine, for *kiddush* or *habdalah*, it is forbidden. It is likewise forbidden to put the candles in the candle-stick, or to fix up the wick and the lamps on the first day of the Festival for requirements of the night-time, unless they are needed for use before night, or in a synagogue for the honor thereof.

3. If a non-Jew brought fish or fruit on the first day of a Festival and it is apprehended they were caught or plucked on that day or brought from beyond the Sabbath-boundary, they are forbidden to be handled on that day. It is, however, permitted in the evening, if the non-Jew knows him and gives it to him without mentioning a price; but on the first day of *Rosh Hashanah* when brought on the first day thereof, it is forbidden even on the second day.

4. If the non-Jew brought it for the Israelite, to give it to him as a gift or to sell it to him it should be prohibited also on the second day. When the Festival occurs on Thursday and Friday, and he brought it on Thursday it is permitted, if very urgent, to handle and cook it on Friday in honor of the Sabbath, but on Rosh Hashana this is also forbidden.

5. Milk which a non-Jew milked on the first day of the Festival, in the presence of an Israelite, is permitted to be used on the second day. If the milking was done on the Sabbath, and the Festival occurs on Sunday, its use is forbidden on Sunday. The milk of the milking done on the first day of Rosh Hashana, is also forbidden to be used for the second day, and also on the Sabbath if that is the next day.

6. Wicks which were lit on the first day of a Festival and were quenched, may be lighted on the second day of the Festival. But on the second day of Rosh-Hashanah it is forbidden to light the wicks that were extinguished on the first day; it is forbidden to light them even at the reverse end thereof. They may nevertheless be handled, removed and replaced by new ones. The same law applies to a Festival that occurs the day after the Sabbath.

CHAPTER CII.

Laws Concerning the Preparation of Food on a Festival for the Sabbath.

1. On a Festival that occurs on Sabbath-eve it is forbidden to bake or to cook in a separate pot for the Sabbath unless the ceremony of *'erub tabshilin* was performed on the afternoon preceding the Festival. It should be performed as follows: One should take some food, cooked or roasted, which is eaten with bread, and pronounce the blessing: "Who hath sanctified us with His commandments and charged us with the observance of *'erub*". Then he should say: "By virtue of this *'erub* be it permitted us to bake, cook, keep the victuals warm, light the candles, and do all the work that is necessary on the Festival for the Sabbath." If

one does not understand Hebrew one should say it in any language one understands.

2. It is necessary that the food used should be such as is generally eaten with bread, e. g, fish, meat and eggs, but a thing not generally eaten with bread is not valid. The limit of the victual is the size of an olive and that of the bread the size of an egg. One should make an effort to let the victual be of the choicest food in honor of the precept. The bread also should be whole, and it should be laid on the table on the Sabbath as two-fold bread, and at the third meal it should be divided and the blessing said thereon, since one precept was performed with it, let also another one be.

3. The *'erub* serves only the purpose of allowing the preparation of all necessities on a Festival early in the day; i. e., if a visitor who had eaten no food that day would chance to come to his house there would be enough time left for them to eat and enjoy of what was prepared on the same day, but if there is no time left to enjoy of his work, the *'erub* is of no effect. It is therefore the custom when a Festival occurs on a Sabbath-eve to hasten and commence the Evening-service of Sabbath when it is still day so that due diligence may be observed, and that everything be promptly done before: "A Psalm a Song for the Sabbath Day" is said. The victuals that are put away to be kept warm for the Sabbath should be put away in broad daylight, so that at least one third of its cooking should be done before twilight.

4. Only on the Sabbath-eve is it permitted to bake or cook by means of *'erub tabshilin.* If the Festival occurs on Thursday and Friday it is forbidden to cook and bake on Thursday for the Sabbath.

5. It is requisite that the *'erub* remain intact until all the necessities for the Sabbath have been prepared. If the bread was lost or eaten up, it does not matter, and it is permitted even to bake. If the victual was lost or eaten up, but there was left of it the size of an olive, it does not matter, but if less than the size of an olive was left thereof, he is forbidden to boil as if no *'erub* was made at all. And what does one who made no *'erub* do? He is allowed only to boil one pot, bake one bread and kindle one light for the Sabbath. If he thought of it before the morning meal, he may cook of every dish in a big pot and leave thereof for the Sabbath. If there is one who made an *'erub* he should present to the latter as a gift his flour, meat and everything belonging thereto, who

acquires possession of it by lifting it, and he should cook and bake for him; and he may do it even in the house of the one who made no *'erub*.

6. Every master of a house is required to make *'erub tabchillin* for himself. Even a woman who has no husband is required to do so in her own person, and it is forbidden to rely upon the *'erub* made by the great man of the town. If one forgot through an accident and did not make an *'erub*, or if one made one but was lost, then if there is one in town, who makes an *'erub* for all the town people (i. e., he conveys to them the victual and the bread, as is explained in *Shulhan Aruch*), this one may rely upon this *'erub*. But if one forgot it due to laziness, or if he originally relied upon this *'erub*, it will not avail him; and his case is to be governed by the laws laid down in section 5, above.

7. If a Festival occur on Thursday and Friday, and on Thursday he remembered that he neglected to make an *'erub*, he may make it that day, say the necessary benediction, and thereafter he should say: "If this is holy, then I need not make an *'erub* and if this day is unholy then: "By this *'erub*" etc. But on *Rosh Hashanah* it cannot be done so.

CHAPTER CIII.

Laws Concerning How to Rejoice on a Festival.

1. It is mandatory to honor all the Festivals and to take delight in them, as it is mandatory to honor the Sabbath and to delight therein, as it is said: "To the holiness of God it is honored", and concerning all Festivals it is said: "A holy convocation".

2. What constitutes honor? As the Rabbis, of blessed memory, said: It is mandatory for one to cut his hair on the eve of the Festival, thus not inaugurating the Festival with an untidy appearance. It is also mandatory for one to wash oneself with warm water and to comb one's hair, also to pare one's nails on the day preceding the Festival as on the day preceding the Sabbath. It is mandatory too to knead bread in the house on the day preceding the Festival in honor of the Festival as on the day preceding the Sabbath. It is likewise forbidden to eat on the day preceding the Festival from the time of Afternoon Service and later, the same as on the day preceding the Sabbath so that he should eat the Festival meal with appetite. If the day preceding the Festival occurred on the Sabbath, the third meal should be eaten before the latest time for the Afternoon Service; this law also applies to the first day of a Festival, as that is the eve of the second day of the Festival.

3. What is delight? As the Rabbis, of blessed memory, said. It is obligatory to partake of two meals each day of the Festival, one at night and one during the day, but no third meal is necessary. It is like-

wise obligatory to pronounce the *kiddush* upon wine before the meal and to divide the portions of two entire loaves, the same as on the Sabbath. One should be lavish with meat, wine and confectionery as far as his means permit.

4. On every Festival when saying *kiddush* at night, the blessing: " Who has kept us in life" should be said thereafter, with the exception of the seventh and eighth nights of Passover when the blessing: "Who has kept us in life" is not said, because it is not a distinct Festival for itself. Women should not say the benediction: "Who kept me in life" on any Festival. Some are accustomed to do so and should not be interfered with.

5. It is obligatory upon one to gladden his wife, his children, and all who are dependent upon him, in the manner appropriate to each. Thus he should give the little children nuts and confectionery, and gladden the women-folk with new apparel and ornaments according to his means, and the men with meat and wine. It is customary to fare more sumptuously on a Festival than on a Sabbath, because concerning a Festival is mentioned rejoicing and not concerning the Sabbath. The Festival garments should also be costlier than those of the Sabbath.

6. On the second day of Passover one should add something to the meal as a remembrance of the feast of Esther that took place upon that day, for it was on this day that Haman was hanged.

7. On the first day of Pentecost it is customary to partake of food prepared with milk and there are many reasons for that. It is also proper to eat some honey, because the Torah is compared to it, as it is said; "Honey and milk is under thy tongue". Now inasmuch as milk food is partaken of and it is also necessary to partake of meat, it being mandatory on every Festival, great care should be observed in order not to violate a prohibition.

8. Although by eating and drinking on a Festival one fulfills a positive law, yet one should not spend the entire day in eating and drinking because it is already said: "A holy assembly to the Lord thy God"; and although it is said: "A holy assembly it shall be to you", the Rabbis, of blessed memory, explained that one should divide half of the time to the service of God and half to his own use. Therefore it is also necessary to enjoy the study of the Torah.

9. When one is eating and drinking, it is his duty to feed also the orphan and the widow as well as others who are in poverty. He who locks the door of his house in order to eat and drink alone with his wife and children, and does not give food or drink to the poor, and to those whose souls are embittered, behold, this is not rejoicing in performing a precept, but gluttony. Concerning these it is said: "Their sacrifices shall

be unto them as the bread of mourners; all that eat thereof shall be polluted; for their food is only for themselves" (Hos. lx, 4). Such rejoicing is a disgrace to them for it is said: "And I will spread dung upon your faces even the dung of your festive offering" (Mal ii, 3).

10. When one rejoices on a Festival, one should not prolong in wine-drinking, jesting and levity and say that whoever increase to do this thereby adds to the rejoicing of the Festival; for drunkenness, jesting and levity is not rejoicing but mere foolishness, which is not according to the command. The rejoicing should be consistent with the worship of the Creator of the universe, for it is said: "Because thou hast not served the Lord thy God with joy and kindness of heart," from this may be inferred that worship is joy, and one cannot serve God out of jesting, levity or drunkenness.

11. It is the way of the pious, in whose presence God is continually and who know Him in all their ways that while rejoicing they bless and praise the Holy One, blessed be He, who caused them to rejoice. And while rejoicing and having pleasure, a man should say to himself: If rejoicing is so pleasant in this world which is vanity, because the latter end of it is sorrow and grief, how great will be the everlasting rejoicing in the world to come, which is not followed by sorrow He should then pray to the Holy One, blessed be He, that he should incline his heart to serve Him and do His will with a perfect heart, and cause him to rejoice in the joy of the future world, and make him deserve the life of the world to come to be in the light of the presence of the living King.

12. Every man should take care of his household, lest they seek their pleasures in companionship with the thoughtless, which might lead them to levity; they must be holy, for the day is holy.

13. At the conclusion of the Festival, when it is followed by a week-day or by the Intermediate days of the Festival, one should say: "Thou hast favored us" in the *'amidah* (silent prayer), and say the *habdallah* over a cup of wine, but should not say the benediction on the light or on the spices.

14. It is customary that on the day following each of the three Festivals, one should fare somewhat better than ordinarily; that day is called *issru hag*, and it is customary not to fast on that day, not even a groom and bride on their wedding-day; nor should one who observes Jahrzeit fast on *issru hag*. On *issru hag* following the Feast of Weeks it is prohibited to fast according to law, for at the time when the Temple was in existence if this Festival occurred on the Sabbath the sacrifices were offered the following day, but of the Passover and of the Feast of Tabernacles they were sacrificed on the first Intermediate day.

CHAPTER CIV.

Laws Concerning the Intermediate Days of a Festival.

1. On the Intermediate days of a Festival there is certain work that is forbidden and certain work that is permitted. Thus all work necessary in the preparation of food for those days or for the Festival, as well as any work that can save one from loss, that is, if by not doing it a loss will be sustained, it is permitted to do it. But great care should be taken not to do any work that is forbidden on the Intermediate days of a Festival, for our Rabbis, of blessed memory, said: He who profaned the Intermediate days of a Festival is considered as though he had worshipped idols.

2. The Rabbis, of blessed memory, said again: He who despises the Intermediate days of a Festival, although he possesses the knowledge of the Torah and good deeds, has no share in the world to come. And what is meant by despising? If one does not honor it by better food and drink and by costlier attire than ordinarily. Therefore it is one's duty to honor it, according to his means, and put on costly garments.

3. Any work the non-performance of which would entail a loss may also be done through another Israelite, even for pay. If, however, no loss be entailed, only that it is needed for the Festival, it should not be done through another Israelite for pay, but through a non-Jew. But if he cannot get a non-Jew and is himself unable to do it, he is permitted to have it done even through another Israelite for pay.

4. The law that in the case of a loss one may perform work, applies only to a case where it was impossible for him to have it done before the Festival. If he was able to do it before the Festival but left it for the Intermediate days he is not allowed to perform it.

5. Work that is forbidden to be done in the Intermediate days of a Festival may be done through an Israelite who has not enough to eat as befits the Intermediate days and the Festival, so that he might have what to eat, but it should be done privately. The work is forbidden to be done through a non-Jew, but when the work is required for the performance of a religious duty, it is permissible to have it done.

6. Even the work that is permissible should not be done on the Intermediate days of a Festival for a non-Jew.

7. It is forbidden to manure one's field; even to let sheep therein in order that they furnish manure is forbidden. And it is forbidden to be done by a non-Jew.

8. Sowing is forbidden. If, however, one has seeds which will be entirely spoiled unless one puts them in water, he is permitted to soak them.

9. It is forbidden to pull or cut off anything from whence it grows, if the fruit will not be spoiled until after the Festival, excepting whatever he requires as food for the Festival. And one need not confine himself to the exact amount, but may pull off a liberal quantity, and if there is some left it does not matter. If one needs wood to make fire on the same Festival, he is likewise permitted to chop it off from whence it grows. It is forbidden to pick wood from the field in order to improve it for ploughing. But if it is evident that he is doing it for his own need, i. e., he needs the wood and he takes the big pieces and leaves the small ones, it is permissible. It is likewise forbidden to cut the branches of a tree to fix it. But if it is evident that he needs the branches to feed to his cattle and not to fix it, e. g., when he cuts them all from one side, it is permissible.

10. If one has an orchard adjoining the orchard of a non-Jew, and the non-Jew gathers in his fruit, and if the Israelite will not gather in his, he will sustain a loss, he is allowed to pick them. If the fruit will be spoiled unless he does a certain work for it, he is permitted to do all that is necessary, even to press grapes and make wine, or what is similar thereto, providing he did not purposely leave that work for the Intermediate days of the Festival.

11. It is forbidden to have one's hair cut on the Intermediate days of a Festival, even if he had cut his hair on the day preceding the Festival. But the one who was freed from prison, even if he was freed on the day preceding the Festival, but did not have sufficient time to cut his hair, is permitted to do so.

12. Paring the nails is also forbidden, but if one had pared them on the day preceding the Festival, he is permitted to pare them also on the Intermediate days of the Festival. Paring nails is also permissible for a woman for the sake of immersion.

13. It is forbidden to wash anything, even if required for the Festival, unless it was impossible for one to wash it before the Festival. It is likewise permitted to wash infant's diapers, since they are in constant need of them, but one should be careful to wash them privately.

14. What is required medicinally, either for man or beast, is permitted to be done.

15. It is permitted to write accounts and the like, which if not written will be forgotten, for it is equivalent to a loss. It is likewise permitted to write what is requisite for the Festival, but it is forbidden to write anything else. A letter of friendship may be written but in a slightly

different manner, the first line, for instance, might be written unevenly. For such writing which is permissible, it is also permitted to prepare pen and ink.

16. One who is in need of funds, even though it is not for the requirements of the Festival, but he is apprehensive lest he will not obtain the loan after the Festival, and he cannot obtain it without a note, is permitted to write such note.

17. One should not marry during the Intermediate days of a Festival, because you must not mix one rejoicing with another, but he is permitted to be re-united in marriage to the woman he had divorced. It is permitted to make a feast for the celebration of a circumcision, the redemption of the first-born and also for an engagement.

18. One is permitted to hire labourers, even Israelites, to do work for him after the Festival.

19. It is permitted to go outside of the Sabbath-boundary, either on foot, in a vehicle, or on horse-back.

20. It is forbidden to mate animals on the Intermediate days of a Festival, as it is not considered as a thing that may get lost.

21. One is not permitted to set hens on eggs to be hatched, but if she was set there before the Festival, and she ran away, if it is within three days from the time it fled, she may be put back there, but if it is after three days, it is prohibited to put her back even if the eggs will entirely be spoiled. To place another hen in her place is forbidden even within the three days.

CHAPTER CV.

Laws Concerning Things that are Forbidden on Account of Trouble.

1. One is forbidden to remove and carry his chattels and furniture during the Intermediate days of a Festival, from a dwelling in one court to a dwelling in another court, even from a humble to a handsome dwelling, but from one house to another in the same court it is permissible. If the two courts adjoin each other, and there is a door between them, it is likewise permissible to carry the articles out through that way. Where, however, a loss may be otherwise sustained, it is permissible, even from one city to another. One is likewise permitted to remove from a dwelling not his own, to a dwelling on his property in order to rejoice on the Festival, as it is one's joy to dwell on one's own property.

2. If it is necessary for one to take in his merchandise for fear of loss, it should, if possible, be done privately, but if it cannot be done privately it is allowable to take it in publicly.

CHAPTER CVI.

Laws Concerning Buying and Selling During the Intermediate Festival Days.

1. During the Intermediate days of a Festival it is forbidden either to buy or to sell any merchandise, unless there is a chance for one to profit greatly, then it might be done privately, but he should in such event spend in honor of the Festival more than it was his intention to spend.

2. If one has merchandise of which he may be apprehensive that unless it is immediately sold its value will be reduced to less its cost, he is permitted to sell it. If, however, there is no fear of loss only lack of profit, one is forbidden to sell it, because lack of profit is no loss.

3. If the market-day occurs during the Intermediate days of the Festival and it is a rare occasion, or if it be the ordinary weekly market-day, but it is before their holiday when many purchasers gather, it is permissible to sell, for inasmuch as it is an unusual occasion the lack of profits is also considered as a loss, but it is prohibited on the regular weekly market. When merchants or ships occasionally arrive, who sell cheaply or buy at high prices, which is an unusual occurence, it is likewise permitted to purchase from them and to sell to them.

4. If one needs to buy wine in harvest time so that he may have it for his household needs the entire year, and thereafter it will become dearer, he may buy it during the Intermediate days of the Festival; but one is not allowed to buy it for trading purposes.

5. Whatever is required for the Festival as food and drink, it is permitted to sell as usual, even publicly. And since it is allowed to open the store for the purpose of selling to an Israelite, it may also be sold to a non-Jew.

6. During the Intermediate days of the Festival one is permitted to collect his debts even from an Israelite for fear of loss.

7. It is permitted to lend money on interest to a non-Jew who is his regular customer, as otherwise a loss may be sustained by the latter becoming somebody else's customer. If one lends to a non-Jew who is not his regular customer, he should spend the interest of one week for the rejoicing of the Festival. But one is forbidden to sell merchandise to one who is not a regular customer, and the increasing of the Festival rejoicing (out of the profits) is of no avail. It is permitted, however, to sell to a regular customer, as otherwise a loss may be entailed by the latter becoming accustomed to purchase elsewhere.

8. It is not permitted to change money.

CHAPTER CVII.

Laws Concerning the Month of Nissan.

1. During the entire month of Nissan, the special supplications should not be said, nor should funeral services be held, nor should "Thy righteousness," be said on the Sabbath afternoon services. It is customary from the New Moon on to read each day the section treating of the offering brought by the prince on that day (Numbers vii), and on the thirteenth day, the section *B'haalothcha* should be read until, "Thus did he make the candle-stick" (Numbers viii, 1-5), which is the portion for the tribe of Levi.

2. One should not fast in the month of Nissan even on a Jahrzeit, but one may fast to propitiate an evil dream. The first-born should fast on the day preceding the Passover (as will be explained, if God so please it, in Chapter cxiii). A groom and a bride may also fast during this month, even on the New Moon of Nissan.

3. On Sabbath *haggadol* (the sabbath preceding the Festival of Passover), it is customary not to read: "Bless thee, O my soul" etc., in the afternoon, but to substitute therefor: "We were slaves" etc., because on Sabbath *Haggadol* was the beginning of the redemption and of the miracles.

CHAPTER CVIII.

Laws Concerning the Wheat and the Flour for Unleavened Bread.

1. It is written: "And ye shall observe the unleavened bread," hence it is inferred that it is requisite to observe the wheat intended for the unleavened bread for the purpose of performing the precept, to see that no water come thereon. According to the opinion of some of the great authorities such observation should take place from the time that it is taken off the field and thenceforth. However, the custom prevails in conformity with the view of those authorities who hold that it suffices to observe it from the time it is brought to the mill and henceforth. Only the zealous observe it from the time it was reaped, and this is the proper procedure. And it is advisable to note that the stalk should not remain attached to the soil until fully ripe and whitened, for then if rain descend upon them they become leavened even when attached, since they no longer need the soil. It is therefore best and most proper to reap them while they are still slightly green. It would be well if it were possible for one to use, during the entire Festival, unleavened bread of wheat that was under observation from the time of reaping. If this is impossible, one should at least embelish the two *Seder* nights by using such unleavened bread thereon.

2. If there was found in the wheat some that were split, or had sprouted, it is permitted to use the rest, providing they had separated them, or were very particular to see to it that there were at least sixty times as much good wheat as split ones, or as those that had sprouted. One should originally be careful to separate wheat from that which was devoured by mice, or see that there are sixty times as much good wheat. Wheat brought by a vessel, or stored in pits, if it is dry and hard and its appearance is not changed, it is valid for unleavened bread, but if it was stored in a garret and the rain had dripped down upon it in several places through

the roof, it is forbidden to use them. If, however, a little snow or rain fell on it in one place, then only the doubtful wet wheat should be removed, and the rest is permitted to be used.

3. It is a long established custom in Israel to thoroughly cleanse the mill in the most scrupulous manner, and provide new receptacles for the flour. The mill should be inspected by erudite Rabbis, in a place where there are such men, to vouch for its fitness in a proper manner. If there be no erudite Rabbis, he that is God-fearing should go in person to supervise, for it is more proper for him to do it in person than delegate it to an agent. It is customary that the flour of the first grinding after the mill was approved should not be partaken of on the Passover. If grist that was soaked was also being ground in that mill, it should be separated from the other by a partition in order that none of its powder mingle therewith.

4. If a bag of flour was moistened by water and a part of it only affected, it does not matter whether it is still wet or already dry, one may hold that part in his hands while emptying the bag of the rest of the flour, the use of which is permitted, but the use of that which became moist is forbidden. If, however, many places became wet, so that it is impossible to proceed as aforementioned, if it is still moist, one should sift the flour and that alone which remains crumbling upon the sieve is leaven, but the use of the rest is permitted. If mice devoured some of the flour, it should also be sifted, but if it had already become dry, sifting is of no avail and the use of the entire flour is forbidden.

5. It is forbidden to bake the flour on the same day that it was ground, as the flour is then warm and will readily turn sour when water is added to it. Therefore one should defer baking for at least twenty-four hours after the grinding.

6. It is proper to make new bags for holding the flour, or at least to take the seams apart and to wash them thoroughly with warm water and ashes, and by rubbing them.

7. It is forbidden to place a bag of flour upon a beast except with the intervention of thick leather, as otherwise it will get warm and moist from perspiration. One should also be as careful as possible not to place many bags one on top of the other, as the flour will be heated by friction and turn sour in the kneading.

CHAPTER CIX.

Laws Concerning the Water with which the Unleavened Bread is Kneaded.

1. Unleavened bread should be kneaded only with water that stood over night, i. e., drawn in the twilight then let stand the entire night. Even if the night is longer than twelve hours, still it is forbidden

to knead it before daylight, and if the night is short and there are not twelve hours to daylight, it is required to wait until twelve hours will have passed since it was drawn. The masses are accustomed to commence kneading with the water that stayed over night immediately at dawn, although no twelve hours have passed. Although there are some opinions upon which they can rely, but the majority of the authorities are strict about it, therefore it is necessary that one be careful concerning it.

2. If one is unable to guess the time of twilight, he may make it a little earlier, providing he does not draw water before sunset. It is the custom to filter the water and to cover it; and it must be placed in a cool place. When bringing it to his house, he should be careful that the rays of the sun do not reach it.

3. One may draw at one time enough water to last several days, but it is mandatory to draw water daily for each day's use. And it is customary not to place it in an old earthen vessel, although it has been always used for Passover unless it be glazed; for the use of an old unglazed vessel cannot be considered esteeming a precept. Such custom should not be altered.

4. As the streams in Nissan are generally cooler than the wells, one should draw water from a stream. At times, however, the streams are swollen from the melted snow and are not so cold, it is then preferable to draw water from the wells.

5. An Israelite should draw the water and not a non-Jew.

6. It should not be placed in a vessel that had contained honey or other fruit-extracts, unless it had been previously scoured. It should specially be avoided placing it in a vessel which had contained something having a pungent taste even if it is not leaven, because on account of that which is pungent it will more readily turn sour, and even scouring will not avail. Nor should the water be placed in a copper vessel, as it does not keep it so cool as other vessels.

7. If one sees that the water that stood over night does not suffice, he is permitted to add water thereto, providing most of the water be that which stood over night, and it should be his primary object to have two-thirds of the water of that which stood over night. One should, if possible, endeavor to obtain the added water from a pump or some other sheltered place where the rays of the sun do not reach it.

8. If the baking is done on Sunday, it is necessary to draw the water on Thursday evening because it is hard to ascertain the exact time of twilight on Friday. In time of emergency, when not drawn on Thursday, it should be done on the day preceding the Sabbath after the Afternoon Service, or on the Sabbath through a non-Jew.

9. The water that stood over night should not be poured out on account of a death that occurred, or on account of the equinox, for it is written that: "No evil will befall upon him that guardeth the precept." However, if one is aware of the fact that the equinox will fall on that

night, he should put a small clean piece of iron in the water, such as a needle, and attach a thread to it so that he should not have to put his hand in there to get it out, but he can pull it out with the string.

CHAPTER CX.

Laws Concerning the Kneading and Baking of the Unleavened Bread.

1. If one desires to bake unleavened bread in an oven where leaven had been baked, he is required to make it legally fit by glowing it, i. e., to heat it so much as to make sparks fly therefrom. For anything less than that would not constitute true glowing. Great care should be taken to spread the coals upon its entire surface; after glowing it is highly proper to remove the ashes and clean it carefully, waiting until it will become slightly cooler. Thereafter he should make a new fire therein for baking unleavened bread, but not immediately after glowing.

2. It is customary with some to plaster the oven with fresh earth in order to make it valid for use without requiring to glow it, for the unleavened contained in the roof and the walls of the oven disappears by glowing from the flame when heated for the purpose of baking the *matzoth*. A thick coating, however, of plaster (the thickness of one's finger, or thicker) should be put upon the entire oven, as a thin coating is of no avail.

3. The unleavened bread should be kneaded and made only in a room that has a roof, and not opposite an open window, even if the sun does not shine through. If the windows are shut and there are panes in them it is permissible if the sun does not shine through. But if the sun shines through, the glass window-panes are of no avail, but it is necessary to spread a curtain to shut out the sun's rays. Care should also be taken that the room should not be heated or warm.

4. No greater quantity of dough should be kneaded at one time than what is necessary for the separation of the dough-cake. And it is best to make it small for our Rabbis, of blessed memory, surmised that if the dough is larger than the above prescribed limit it cannot be worked at one and the same time, thus leaving some part of it unworked, and there is apprehension that it may become leavened in the meantime. If the dough was made soft, it should not be made thicker by adding some flour.

5. When the flour is measured it should not be stuffed into the measure lest some flour be left in the *matzoth* unkneaded, and when put in soup it will become leavened. One should be careful not to place the flour near water so that the flour-dust should not fall therein. One who measures the flour should likewise not go near the dough or the water. It

is well to take care not to needlessly handle the flour, as it might warm it slightly.

6. Care should be taken that there should be neither crack nor crevice in the vessel used for kneading wherein any particle of dough might remain and turn into leaven. Nor should the vessel be placed upon cushioned articles while in the act of kneading lest it become warm; the vessel must be thoroughly cleansed every eighteen minutes, when the hands, too, must be carefully washed. The boards and rollers should also be free from cracks or crevices, and should be thoroughly cleansed at least every eighteen minutes. The instruments with which the perforations are made should be kept clean without any dough on them. The peel with which the unleavened bread is thrust into the oven should be critically examined that there be no crack therein, where a particle of food might be entered and become leavened.

7. If any thing colorific fell in the dough, such as salt, spices or quick-lime, even a particle thereof, and was kneaded therein, the use of the entire dough is forbidden, inasmuch as it became heated thereby. If a grain of corn was found in the dough, a mass of dough as thick as one's finger should be removed from all around that grain and thrown away, and the use of the rest is permitted.

8. Care should be taken not to let the dough lie for a moment without working upon it, and as soon as the dough is completed it should be distributed among those who roll it. Care should therefore be taken to make the dough only as big as those who roll it can take care of. And if a part of the unleavened bread remains in the hands of the kneader, the kneading of the dough should be kept up, as it should not lie idle for a moment.

9. Those who are engaged in rolling should perform their work speedily and not prolong the preparation, and see that there are no particles of dough upon the boards and that none of it stick to their hands; should they find any dough sticking to them, they should instantly cleanse them well.

10. Immediately after the unleavened bread was prepared it should be perforated quickly not making any designs and it should be put in the oven as quickly as possibly. The utmost care should be taken not to delay it for a moment opposite the opening of the oven, as there it will quickly turn leavened. Hence it is necessary that the one handing the unleavened bread to the baker should be versed in the law and pay scrupulous attention to it.

11. A God-fearing man should take care, before baking his unleavened bread, to have the oven heated anew and the coals spread upon

its entire surface, for who knows whether the one who has baked before him was scrupulous about it.

12. The baker should most carefully see to it that none of the unleavened bread be doubled up, nor that one should touch the other, for in the place where it is doubled up and touches another one it does not bake quickly and it becomes leavened. In the event of one having doubled up or becomes inflated, it is requisite to break off that portion as it is leaven, and it is permitted to use the rest. If, however, they touched each other while still moist in the oven, their use may be permitted post facto. The term inflated implies that the unleavened bread was divided at its thick parts, and the hollow part is as thick as a thumb.

13. Care should be taken not to take the unleavened bread out of the oven so long as it is not baked to such a degree that one may break it without drawing strands of dough therefrom, as previous to that condition it is only like dough which, being taken out of the oven, readily turns leavened. The peel upon which such unleavened bread was taken out, is also thenceforth forbidden to be used for unleavened bread. If it is impossible to tell whether strands of dough can be withdrawn therefrom or not, because of the doubt, the law should be enforced, but if the surface formed a crust the law may be relaxed.

14. It is proper for every God-fearing man to personally supervise the making and baking of his own unleavened bread and admonish the workingmen to use due care and diligence. This was the method of the great men of Israel, of blessed memory, and this is also the method of the pious in our own times.

15. The unleavened bread wherewith one fulfils the precept of eating *matzoth* on the two first Passover nights, is called "the unleavened bread of the precept," and it should be made "for the sake of the precept" by an adult male Israelite of intelligence, aged at least thirteen years and one day, or by a female aged at least twelve years and one day, and at each stage of its process, even when drawing water, the worker should say "for the sake of the unleavened bread of the precept." (The foregoing laws concerning the baking of the *matzoth*, refer to our custom that they are baked before the Passover. In case of emergency when the *matzoth* are baked on the Passover, there are many laws in addition to those stated. They who are accustomed to bake their *matzoth* in the afternoon on the day preceding the Passover, also have to take precaution).

CHAPTER CXI.

Laws Concerning the Search for and Nullification of Leaven.

1. On the night preceding the eve of Passover, a search for leaven should be made. It must be made immediately after dark, and it is forbidden to begin eating or doing any manner of work an hour before nightfall.

2. The search should be made only with a single wax candle and not several woven together, for then it is a torch, but in any emergency, if one has no wax candle he may search with a candle of tallow.

3. All the rooms wherein it is surmised leaven was brought should be searched; even the wine cellars, garrets, stores and woodsheds; all those vessels in which leaven was kept should also be searched. Before the search all these places should be carefully swept and cleansed from leaven in order to facilitate the search thereafter.

4. A stall in which the cattle are fed with grain, likewise a coop in which the fowls are fed with corn, do not require searching. Because in the first place it is likely that the grain did not become leavened, and if it did become leavened it is possible that all was eaten up and nothing was left. But if leaven was placed there and there is only one doubt left, namely, perhaps all was eaten up, we do not rely on this, and searching is required.

5. It is essential to search every nook and cranny in these places with the utmost care. One should also search his pockets also the children's garments as sometimes leaven is placed therein, and in the morning when the leaven is being burnt they should be thoroughly shaken out.

6. The rooms which are sold to the non-Jew with the leaven, inasmuch as the sale will not be made before morning, the obligation to search them devolves upon him in the night.

7. Before beginning the search he should say the benediction: "Who hast sanctified us with his commandments and commanded us concerning the cleaning away of the leaven." Although now he does not remove it as yet, nevertheless since after the search he will annul the leaven unknown to him, this removing then refers to such leaven as unknown to him. And he should not make any interruption between saying the benediction and beginning the search; it is well not to interrupt until the search is completed, excepting for that which relates to the search. One may search many houses by the one benediction that was pronounced.

8. Previous to making the search, it is customary to lay pieces of bread in places where the searcher may find them, because it is possible that no leaven will be found there and the benediction should be said in vain. It is evident, however, that if one does not make a proper search but simply gathers up these crumbs, that he does not fulfill the commandment of searching and has pronounced the benediction in vain.

9. Previous to making the search, it is customary that one should put away in a safe place all the leaven which he leaves for food or for sale. The leaven which he has found in his search should likewise be put away in a safe place. It should first be carefully tied around and then be put in a prominent place where it can be seen in the morning so that he should not forget to burn it.

10. Immediately after the search he should nullify it. The essential of nullification is the hearty resolve to consider all leaven in his domain as non-existent, entirely valueless and comparable to dust, and as something for which he has absolutely no use. Our sages have furthermore ordained that one should give expression to these thoughts by saying "All the leaven" etc., and if he does not understand it, he should say it in any language he understands.

11. Although one has already nullified the leaven at night after the search, nevertheless in the morning after one has burnt it, he should again nullify it, including all the leaven by that nullification and say: "All the leaven" etc., or say it in any language he understands.

12. If one desires to use as a store-house for fruit, wood, or other things a room which requires to be searched for leaven and the above mentioned articles will prevent him from searching that room on the night of the fourteenth of Nissan, he should previously search it in the night time in the same manner that the search is made on the night of the fourteenth, even if there be yet ample time before the Passover, and even be it a year in advance. If, however by inadvertance one did not search it before he had transformed it into a store house then if it is his intention to remove the things before the time will come for the search of leaven, he need not trouble himself to remove them just then and search the room. But if he intends to remove them during the Passover, he must remove them and search the room even if it involves great trouble and entails a loss of money.

13. If one fills up a store-room with the intention of not emptying same until after Passover, there is a distinction as to the time. If it is before thirty days preceding Passover, he need not previously search the room (except to burn anything that is positively leaven that may be there), and the formula of nullification at the proper time will also avail for that

room. If however, it is within the thirty days preceding Passover, it devolves upon him to search the room (since the law of the Passover are explained and expounded thirty days before Passover) thus, even if he inadvertently did not make the search, he is required to empty the store-room and search it in the night time immediately he was reminded thereof.

14. If one stores wheat that was not leavened, in a pit, but afterwards the wheat on the bottom and sides of the pit turned leavened on account of its dampness even if he had stored it there within the thirty days, he need not empty the pit on the night of the fourteenth in order to search same, as the nullification is sufficient, inasmuch as he had stored it away in a manner that was permissible. If there be some leavened wheat amongst them there are diverse laws in regard thereto and one should consult the ecclesiastical authorities.

15. One should not cast corn-seeds to fowls in a moist place during the thirty days (before Passover), as he may forget to burn them.

16. One who sets out upon a journey should previous to starting, appoint one as his agent to search and nullify his leaven and he should tell him expressly that he is appointing him his agent to search and nullify. The agent when pronouncing the (formula of nullification) should mention the name of the owner; nevertheless the owner himself, wherever he may be, should nullify the leaven on his premises on the morning of the day preceding the Passover.

17. If one finds leaven in his house during the Intermediate Days of Passover he should take it and burn it, and if it be the size of an olive he should previously pronounce the benediction: "Concerning the removing of leaven." If he found it on the Festival, or on the Sabbath in the Intermediate Days, likewise on the Sabbath which occurs on the Passover-eve when it is forbidden to handle it, as it is *muḳtse*, he should cover it with a vessel until the conclusion of the Festival days, and he need not say a benediction when burning it, although it is the size of an olive.

CHAPTER CXII.

Laws Concerning Articles Forbidden, and Those Permitted to be Retained on the Passover.

1. Everything which has a mixture of leaven in it, even if the leaven is not actually there, i. e., if it was removed therefrom, but the taste of the leaven remains, it is nevertheless forbidden to keep it on the Passover. But an article in which there was no leaven, only that it was cooked in a vessel used for leaven, even if the leaven was used therein on that very day, or an article that was pickled in a vessel used for leaven, it is permitted to keep it on Passover, providing the cooking or pickling was done be-

fore the Passover. If, however, on the Passover it was cooked or pickled in a vessel used for leaven it is obligatory to burn it.

2. Corn in which there were grains that had sprouted, or were split, even if but a few were mingled in a large quantity, likewise corn upon which water had fallen, or had been saturated with water, it is forbidden to keep that as well as everything that was prepared therefrom. One who sells his neighbour corn that became moist is required to inform him thereof in order that he should not keep it on the Passover. It is forbidden to sell it to a non-Jew when it may be apprehended that the non-Jew will sell it to an Israelite, who will keep it during the Passover.

3. One is permitted to wear on the Passover garments which were washed and prepared with starch, but one should not spread a cover upon the table if there be any of the starch upon it which may be apprehended that it may crumble therefrom, and it is most decidedly forbidden to put Passover flour therein.

4. It is permissible to paste paper on the windows even during the thirty days preceding the Passover, providing the leaven is not visible, inasmuch as the paste is not absolutely leaven and it is also covered up, the law is not stringently enforced therein. If, however, it is visible on the surface, it is forbidden; but before the thirty days it is permitted in any manner.

5. On the Intermediate days of the Passover, it is permitted to write with ink which was prepared with beer before Passover, since it was not even fit for a dog's food before Passover. The same is true of all leaven which became entirely spoiled before Passover, that it may be kept during Passover and benefit derived therefrom. If, however, a non-Jew prepared ink with beer on the Passover, no Israelite may derive benefit therefrom, because on the Passover no Jew is allowed to be benefited by leaven belonging to a non-Jew.

6. All vessels which were not made valid for the use of Passover should be thoroughly scoured and washed on the day preceding the Passover before noon in such a manner that no leaven be recognizable upon them, and secreted in a secluded place which is not ordinarily visited. But it is best to lock them up in a separate room and hide the key until after Passover.

CHAPTER CXIII.

Laws Concerning the Day Preceding the Passover and the Baking of the Mazoth.

1. On Passover-eve neither "A Psalm of Thanks" nor, "For the Chief Musician" (Ps. xx.) should be said.

2. It is forbidden to eat leaven after a third of the day, i. e., a third of the time from dawn until the stars appear. But one may utilize it for another hour; thus he is permitted to sell it to a non-Jew; after that

time, any use thereof is forbidden. It is requisite to burn the leaven and to nullify it while it is yet permitted to utilize it.

3. In the afternoon work is forbidden, and only such work is permitted as that which is permitted during the Intermediate Days of the Festival. One is permitted to have his work done by a non-Jew. There are some places where they prohibit work the entire day.

4. Cutting the hair and paring the nails should also be done before noon. One, however, who forgot, may also pare his nails after noon, but he is forbidden to have his hair cut except by a non-Jew.

5. It is forbidden to eat unleavened bread the entire day. It is forbidden to give unleavened bread even to children capable of understanding the subject of the Exodus from Egypt, but all are permitted to partake of victuals made of meal of the unleavened bread until the last quarter of the day. From that time it is forbidden to eat, save in a case of necessity, when fruit, meat or fish may be partaken of. But one should be careful not to eat too much in order that he may relish the unleavened bread of which he is about to partake in the night.

6. The first-born whether on the father's or on the mother's side, should fast on the day preceding the Passover, even if it occurred on a Sabbath eve. One who was born after an abortion should also fast. While the child is small the father should fast in its stead. Whether at a feast given at the performance of a religious duty they are permitted to eat or not, depends upon the custom of the locality.

7. A first-born who fasts should say: "Answer us" etc., in the Afternoon Service. If there are many of the first-born and they pray with the congregation, none of them should officiate as Reader, as "Answer us" is not said in the loud repetition of the prayer, owing to the month of Nissan.

8. The very pious bake the "unleavened bread of the precept" on the day preceding the Passover in the afternoon which is the time when the Paschal sacrifice was offered, and inasmuch as leaven is thus forbidden, it is proper to nullify the crumbs by saying in any language he understands as follows: "All the crumbs that will fall during the kneading and preparing, as well as the dough which will cling to the vessels, I hereby nullify and make free to all."

9. The water with which the vessels are washed should be poured out where it can flow down; a stone flooring should not be there, so that it might be quickly absorbed in the ground, for, by emptying it where the

water cannot flow, or even in a steep place, but if there is a stone flooring it may be apprehended that it will gather in one place and turn leavened before it is absorbed in the ground, thus there will be leaven in his domain.

CHAPTER CXIV.

Laws Concerning the Selling of the Leaven.

1. An Israelite having leaven in his possession during the Passover is perpetually transgressing the prohibition: "It shall not be seen nor shall it be found," and out of such leaven he may never derive any benefit, even if he did annul it before the Passover. Therefore if one have in his possession much leaven which he is unable to clean away, he is required to sell it to a non-Jew before Passover while he is still permitted to derive benefit therefrom. And the matter of selling leaven shall not be considered just as a mere habit of formality, but one must bear it in mind that the sale he effects with the non-Jew is real and decisive, and he should not sell it at a higher price than it is worth. After the Passover he should make demand from the non-Jew that he repay him his debt, and when the latter replies that he has no money wherewith to pay it, he should request of him to resell to him the leaven (together with the room) for so much and so much. The transaction shall not be considered as a mere jest, but should be effected according to the true manner of merchants.

2. The leaven that is sold to the non-Jew must not remain in the house of the Israelite. If the non-Jew can take it into his own house it is preferable, but if he cannot take it away, then the room where the leaven is found must be let to him. In the bill of sale he must mention the name of the buyer, the amount for which the room was let to him, and that incidental to the rental he conveys unto him the leaven that is contained there. He must state therein for how much the whole leaven was sold to him, but he need not mention the amount of measurements, but he may write for every measure that can be measured out. Whatever is contained in the written contract he must orally convey to the buyer. He should take a deposit from him, and the balance of the purchase price should be considered by them as a loan. All of the foregoing should be mentioned in the agreement. He must also deliver to him the key to the room. If any leaven is contained in a vessel which must be immersed, he should not sell it with the vessel, because (if he does sell it) after the Passover when he buys it again from the non-Jew, it will have to be immersed again.

3. If after the leaven was sold he has apprehension that the buyer may do some damage there, he may put an additionel lock on it for safety, or it is permissible, if the buyer is willing, to deposit the key with the Israelite. But the Israelite is forbidden to put a seal on the leaven.

4. If the Israelite is unable to let the whole room containing the leaven, it being necessary for his own use, he should make a partition before the place occupied by the leaven and let to him (the non-Jew) the place so occupied by the leaven up to the partition, and it should be so stated in the agreement. He should also provide it in the agreement that the buyer has a right of access, at his will, to that place, and also that if the non-Jew should desire to sell the leaven to another non-Jew during the Passover or to an Israelite after the Passover, all of these should have a right of way there. If one lets or sells to the non-Jew a room, to which access must be had through the premises of the seller, it must likewise be so provided in the agreement that the non-Jewish buyer, as well as all other buyers that he may bring there, should have a right of way to enter there.

5. If the house is not the property of the Israelite but is let to him by another Israelite, the former cannot sub-let it to the non-Jew without the permission of the former. Therefore he should expressly agree with the non-Jew that he does not let it to him for the purpose of dwelling therein, only for the purpose of keeping his vessels and moveables there. He must not, however, expressly state that he let it to him to keep the leaven there, but generally to keep his vessels and moveables as he sees fit. Nevertheless if the owner is in town he should obtain his permission from him to let it. If one goes on a journey before the Passover, and his wife will sell the leaven, he should likewise give her express permission to let the room.

6. It is forbidden to make a condition with the non-Jew that after Passover he must resell it to him, or that the Israelite is bound to rebuy it from him. But he may promise the non-Jew that after Passover he will re-buy from him and give him some profit.

7. It is forbidden to sell the leaven to an apostate Jew or Jewess, neither to the son of an apostate Jewess although she had born him from a non-Jew after she had become an apostate, for as far as this law is concerned these are considered like Israelites, and the leaven in their possession will be regarded as leaven belonging to a Jew which remained till after Passover, and as a result no benefit may be derived therefrom.

8. One possessing leaven in some other place or on the road laden in wagons or on ships, may likewise sell it to a non-Jew by means of the realty which he possesses at the place where he is. Nevertheless he should also in such event renounce his right of ownership thereto in the presence of the court or in the presence of three laymen. If such leaven be brought to him on the Passover, the non-Jewish buyer should pay for the cost of the wagons and all other expenses. If leaven was brought to him on the Passover from a non-Jew which he neither ordered nor had any knowledge, a non-Jew shall likewise receive it and pay whatever is due to the one who brought it. The Israelite shall not concern himself with it at all, on the contrary he should likewise renounce ownership thereto in the presence of the court or in the presence of three laymen.

9. If one possesses a mill and the customers who grind their products there pay him as his consideration therefor some grain which is leaven, he must either sell or let the mill to a non-Jew before the Passover.

10. Regarding the sale of cattle to a non-Jew that he may feed them with leaven (during the Passover) there is a diversity of opinion between the great men, of blessed memory, and if it is possible for one to avoid it, it is best for him; but if it is impossible for him, he should act in accordance with the decision of a sage.

11. It is permissible to lend a loaf of bread to an Israelite before the Passover with the understanding that he return him a loaf of bread after the Passover. In some places it is customary to prohibit such a transaction.

12. If the leaven belonging to an Israelite be found in the house of a non-Jew, or if the leaven belonging to a non-Jew be found in the house of an Israelite, the learned in the law should be consulted as to how to act in this matter, for regarding this there are many diverse laws.

13. Care should be taken not to benefit after Passover of leaven belonging to an Israelite who is suspected of not having transferred it properly.

Form of Agreement Selling Leaven.

I, the undersigned, have hereby sold unto the non-Jew, so and so, all the brandy that I have in the cellar of my dwelling, and the cellar is situated in the court-yard on the northerly side, next to the one on the easterly side; all the brandy that I have there, whether they be contained in middle-sized containers or in barrels, I have sold unto the abovementioned party together with the vessels, for the sum of two hundred and twenty gold coins; also the brandy that I have there in a big bottle, about seven measures, I have sold to him for five gold coins without the vessels, also the schliwovitz that I have there in a small bottle I have sold to him for twelve gold coins and fifty cents with the vessel; I have sold to him six small empty demijohns which once contained brandy, and two big barrels that once contained brandy, I have sold them all for the sum of eight gold coins and fifty cents; also the five bags of flour that I have in a room called storage room and is part of the premises in which I reside, I have sold to the above named for the sum of thirty-nine gold coins; also the vessels that contained leaven that I have there, such as the baking-throughs and flour chests, I have sold to him for four gold coins and fifty cents; also the barley contained in a small bag that I have there I have sold to him for one gold coin and fifty cents, together wtih the bag; I received from him a deposit of ten gold coins and the balance I charge to him as a loan, and the time for paying the same should not be later than ten days from the day hereafter mentioned; I have let to the said buyer the above described cellar and the above described room from now until the expiration of ten days from the day hereinafter mentioned, for the sum of four gold coins

for which I received from him a deposit of three gold coins, and the balance I charged to him as a loan which must be paid to me not later than ten days from the day hereinafter mentioned; by means of the realty let to him, i. e., the cellar and the room, I conveyed to him all the chattels above mentioned; and I hereby make full and true admission that I let to him the said cellar and room, and I conveyed to him the said chattels by means of all kinds of acquisitions whichsoever may be legally effective, either according to the laws of our holy Torah or according to the law of the land, without any claim or counterclaim; he has the right to do with all of the aforementioned as he sees fit, to sell it or give it away as a gift, or to let it without anyone interfering; he also has the right to remove all of the abovementioned immediately into his own house and even if he should leave them where they are now, from now on the responsibility of all the above is assumed by the buyer, and I assume no responsibility, not even the responsibility against loss by accident; I have also given the buyer the right of way to go through my court-yard and my house in order to enter the said cellar or the room which is let to him; if he should desire, during the period of the letting, to sell some of the chattels to some one else, all those that come with his knowledge likewise have the right of way; I have also surrendered to him the keys to the said cellar and to the said room; this was executed in the most effective manner, in accordance with the laws of our holy Torah and according to the laws of the government and of the land.

Hungary, 14th of Nissan, 5,634.

(Signed).

Form of Agreement adopted by the Author of Noda Bijehudah in Colaboration with his Great Court

I testify by my signature hereto affixed that I have rented to Mr. N. N. (Gentile) the room for nine or ten consecutive days, beginning from this day and also that I have legally sold to him all food-stuffs, cooked or uncooked and all drinks contained in this room. I have also received from the above named buyer, the amount of.....Dollars, as a deposit, and have agreed with him upon the receipt of this deposit that upon payment of the amount of.....Dollars, which I now have received from him, the room is now rented to him for a period of nine (or ten),

days beginning from to-day, and is at his exclusive disposition, and in consequence he also acquires ownership of all foodstuffs, cooked or uncooked, and of all drinks therein contained, which I hereby transfer to him in best legal form; further, that by virtue of his taking possession of the room, all therein contained, foodstuffs and drinks as mentioned above, are transferred to his ownership; also, have I, by virtue of his acquisition of this room rented to him, sold to above named purchaser, all grain that I own in the field, and all whiskey that I hold in such and such a place for and as his property.

In witness whereof, I give to the above named purchaser this contract of sale, in order that with the receipt of this contract he acquire a lease of the above mentioned room, and the ownership of the therein contained and above mentioned articles of food and drink. Finally, although the above mentioned purchaser still owes me the rest of the purchase price, and agrees to pay same on such and such date, I expressly declare that all the food and drink sold to him, are not mortgaged to me, and therefore, all the risk is the buyer's, and not my concern.

To witness, I have set my seal and signature.

Done at.....on.....day.

And when the Israelite receives the pledge from the purchaser and before he delivers the agreement to him, he should also orally say the following:

I rent to you this room for nine (or ten) days, for the amount of .....Dollars, and I sell to you all food, cooked or uncooked, and all drink contained therein, as your absolute and unrestricted property, for the sum of.....Dollars, (and if he has grain or brandy or any other kind of leaven in other places, he should also say to him that he sells to him all the grain found in such and such a field or the brandy or other kinds of leaven in such and such a place, for the sum of .....Dollars) and I accept this sum which you now gave me, on these terms, that I rent to you this aforementioned room for

nine, (or ten) days, and I hereby surrender to you this room as lessee, with all rights, and by virtue of your lease you acquire also the ownership in all crops and whiskey which I sold to you, and also all raw and cooked foodstuffs and drinks as aforementioned: for the excess of the purchase money, however amounting to.....Dollars. You are still indebted to us for you oblige yourself to pay same on this day.....However, this obligation rests upon you personally, and the above mentioned sold foodstuffs and drinks are not hypothecated to me for such indebtedness, and you and I, are therefore assuming all risks of ownership for the future.

CHAPTER CXV.

Laws Concerning the Day Preceding Passover which Falls on the Sabbath.

1. If the day preceding the Passover falls on the Sabbath, the leaven should be searched for on the eve of the thirteenth day, i. e., on Thursday night. On concluding the search one should nullify it and say: "All leaven" etc., as at another time, and on Friday he should burn it at the same time that he burns it every Passover-eve, but he need not then say: "All leaven" etc., On the Sabbath after the meal he should nullify it, and say: "All leaven" etc.

2. The first born should fast on Thursday, and if it is difficult for him to fast until after the search for leaven is concluded, he may take some slight refreshments previous to the search, or else appoint one as his agent to make the search.

3. An article of food prepared with flour or grits should not be cooked for this Sabbath, inasmuch as it may cling to the pots and it is forbidden to wash it (being Sabbath); therefore only victuals that are not pasty should be cooked. After the meal the cloth should be well shaken and hidden away, together with the vessels used for leaven, in a room to which one is not accustomed to go during the Passover. If he has any bread left he should give it to a non-Jew, but he should not give it to him to take it to the public domain. The house should be swept by a non-Jew, or with something permissible.

4. The Morning Service should be held at an early hour in order not to delay in eating while it is yet permissible to eat leaven. It is proper to divide the meal, as follows, he should say Grace and pause for a short time by taking a walk or discuss the Torah, then wash the hands again,

and eat a little then repeat the Grace, thus fulfilling the precept regarding the third meal.

5. It is customary to read for the Haftorah in Prophet Malachi iii, 4: "And it shall be pleasant" etc., because it is written thus: "Bring all the tithes into the storehouse" etc. This fits the day, because (according to some) the time for removal was on the day preceding the Passover of the fourth year in *Sh'mitah*, and on the day preceding Passover of the seventh year of the *Sh'mitah*. When all the tithes set aside from one's grain during the three years and which were kept in the house, were at the times mentioned to be given to the Levite.

6. On the Sabbath-eve one should be very careful to inquire whether the dough-cake was separated from the loaves that were baked in honour of the Sabbath. For regarding the case when the separation of the dough-cake was forgotten on the Sabbath-eve there is great perplexity as to what shall be done because the dough-cake cannot be set aside on the Sabbath, nor may it be postponed. The Goan of Vilna holds that all the bread should be given to a non-Jew as a true gift before the time they can no longer be partaken of. Other authorities disagree with him and gave other means, but they are all for emergency provisions. It is best therefore to be careful about it.

CHAPTER CXVI.

Laws of Purging.

1. For all earthen vessels which have been used for leaven, neither purging nor glowing will avail; for ovens and ranges, for saucepans built of stones and brick, glowing may be used. It is customary not to use for Passover ovens used only in the winter, and when they desire to place a dish used for Passover on it they first put them on an iron tray and on it they put the dish. This holds for true also with ovens made of tiles.

2. For wooden, metal and stone utensils, purging is available, but if it be an article that will be damaged by hot water, such as a vessel which is glued together, even if only the handle is glued on purging does not avail lest they are not well purged.

3. Before the vessel is purged, it should be thoroughly cleansed from rust and the like, and made perfectly clean, but stains do not matter. If the vessel is indented, it should be carefully scraped. If it is made of metal, hot coals should be placed upon the dents to glow them, and the vessel should be purged thereafter. If, however, it be impossible to thoroughly cleanse the dents and cracks, also to glow them, it cannot be made valid for use, hence it is necessary to carefully observe whether purging

will avail for knives with handles. It is best, if one can afford it, to buy new knives for Passover.

4. Utensils which are used over fire without water require glowing; therefore basins and frying pans in which leaven is baked require glowing. One should originally glow them to the extent of making them emit sparks. A wooden pail cannot be made valid for use.

5. A vessel on which there is a patch should be examined to ascertain if there is any apparent leaven under the patch, in which case it is necessary first to glow that place until it is positive that any leaven there may have been was consumed, and then it should be purged. But if there is no fear of there being any apparent leaven, then, if the patch was put on before the vessel was used for leaven, he may purge it just as it is, as the purging will cause it to reject the leaven it has absorbed. If, however, the vessel was used for leaven, before the patch was put on, the purging is not enough, but it is necessary to place hot coals upon the patch to glow that place before purging it; if the patch was soldered with lead or silver and the like, it may be purged just as it is, as the leaven was absorbed in the soldering.

6. A mortar, which is ordinarly used for pounding pungent spices together with leaven requires a slight glowing: it should be filled up with burning coals until it is hot enough for straws to be burnt on its surface, but where it is customary to pound therein only pepper and the like purging is sufficient.

7. A vessel which was permanently used to hold brandy does not reject the odour or taste of brandy through purging, and only if it was previously thoroughly boiled in water and ashes until its odour was entirely dissipated, does purging avail it.

8. The purging of a cask should be done in the following manner: One should place therein stones that he had made glowing hot, and pour upon them boiling water from the vessel in which it was boiled, and then roll the cask in order that it be purged everywhere. The casks commonly used that are made of many staves confined by loops, if they had contained leaven such as brandy, or if flour was kept therein, cannot be made valid by purging.

9. Any article that requires purging cannot be made valid by scraping, but must be purged.

10. A vessel that cannot be thoroughly cleansed, such as a sieve, the receptacle of a mill, a basket used for leaven, and a grater as well as any vessel that has a narrow neck which makes it impossible to cleanse it from within, or which has staves, cannot be made valid by purging.

11. A larder in which eatables are kept the entire year and in which leakage from the pots is possible, require a slight purification, such as hot water poured upon that from the very vessel wherein it was boiled. The water should not be thrown suddenly, but poured upon the shelves and made to run all over them. Tables are best purified by having stones made glowing hot placed upon them, and boiling water poured over the stones which should then be moved from place to place in such a manner that the boiling water should cover the entire surface. The table should previously be scoured, then purified at the end of twenty-four hours. Nevertheless there are some people who do not use tables and larders purified this way unless when a cloth or something else is spread thereon.

12. Handles of vessels also require purification, nevertheless if they do not protrude into the pots the pouring of boiling water thereon is sufficient.

13. Vessels used for drinking and for measuring also require purging. In these countries it is customary that glass vessels cannot be made valid by purging. Metalic vessels glazed from within cannot be made valid by purging. But slight glowing will suffice, just as it is the case with a mortar (section 6, above).

14. Purging is done only in water, and nothing should be mixed therewith, not even ashes and the like. If one had purged many vessels in one boiler, so that the water became turbid like gravy no more purging should be done therein.

15. If one purges a vessel by means of a pair of tongs with which he takes hold of it, he should loosen its hold on the vessel and then again take hold of it as otherwise the purging water would not penetrate to the place of the tongs. It is best to put the vessels in a net or basket. One should not place many vessels at one time in the vessel wherein he purges them, so that they should not touch each other, as otherwise they would not be purged in the place where they touched.

16. One should not purge a vessel unless it is not of the same day, i. e., twenty-four hours had passed since leaven was cooked therein. The boiler in which the purging is done should likewise not have been used for

leaven that same day. He should carefully observe, each time that he puts a vessel in the boiler, that the water comes up boiling hot. If it is requisite to purge the boiler, then it must be full when the water is boiling therein and hot stones should be thrown therein in order that the boiling water should overflow its border. Purging should only be done until noon.

17. After the purging it is customary to wash the vessels with cold water.

18. If possible, purging should be done in the presence of a scholar who is well versed in the laws of purging.

CHAPTER CXVII.

Various Laws Compiled Concerning Passover.

1. If any leaven was mixed in food on the day preceding the Passover until night-fall, it is subject to the same law that governs all dietary prohibitions which is nullified if the forbidden food is but a sixtieth part of the proper food. Hence if a corn seed was found within a fowl or in victuals it should be thrown away, and it is permitted to partake of the rest even during Passover. But during the Passover, even a particle of leaven makes food prohibited, even to benefit thereby. Thus wherever a corn-seed of the five species of grain is found, or any particle of leaven, it is necessary to consult the ecclesiastical authorities.

2. If corn seeds were found in a well, the water thereof should not be used unless in a case of urgent necessity, e. g., if no other water can be obtained. But if a piece of bread was found therein, the water may not be used even if there is no other water, and straining does not avail to make it fit for use.

3. It is the custom not to singe poultry with straws bearing ears of corn, as it is apprehended that a leavened grain may be amongst them. Hence, singeing is done with paper or herbs, or the ears of corn are detached from the straw. If, however, by inadvertence the singeing was done, it does not invalidate the poultry. One should be careful to remove the crop from poultry previous to singeing it.

4. All kinds of legumes, likewise all kinds of dried fruits are forbidden unless it is known that they were dried in a proper manner by staves or in a stove that was made proper for the use of Passover. Even dried figs and raisins are forbidden whether they are large or small; also the rinds of oranges are forbidden; nevertheless it is permitted to drink during Passover a beverage prepared from raisins that was made before Passover. Neither cloves nor saffron should be put in victuals as there is a taint of leaven about them. Even in our countries where the saffron grows in the gardens, it is forbidden, in order not to make any exception to a rule of law. Other spices in which there is no taint of leaven, salt included, should be carefully examined to see if there is not a corn seed therein.

5. Honey should not be partaken of excepting of that which was not detached from the combs, or of that which was not detached by an Israelite especially for the use of Passover.

6. In a case of necessity, as for instance for the requirements of a sick or an aged person, it is permitted to bake unleavened bread with extract of eggs or other fruit extracts such as milk, wine and so forth. This is called "unleavened bread prepared in a rich manner." Care, however, should be taken not to mingle any water with it, no matter how little. On the first two nights of Passover only the actual unleavened bread should be partaken of, and one does not fulfil one's obligation with the aforesaid *matzoh*. Where there is no great necessity it is forbidden to bake the rich *matzoh* even before Passover for use during Passover.

7. One who places corn or bran before fowls should be careful to put them in a dry place so they should not become moist. It is forbidden to give bran to cattle, as it becomes moist from their saliva, and if one does give them corn, he should be careful to give a little at a time so that they leave over none that is moist, and if any were left it should be instantly burnt.

8. On the day preceding the Passover, from the time when it is forbidden to benefit by leaven, as well as during the entire Passover, it is forbidden to benefit even by the leaven of a non-Jew. Hence an Israelite is forbidden to transport or to guard the leaven of a non-Jew, and it is assuredly forbidden to purchase leaven for a non-Jew even with the money belonging to a non-Jew.

9. It is also forbidden to hire a beast for the purpose of carrying leaven, or to rent him a room for the purpose of keeping leaven therein, because it is forbidden to derive any profit from things that are forbidden to benefit them. But it is permitted to hire him a beast for the Passover week (excepting for Sabbaths and holidays), when the non-Jew does not expressly state that he would bring leaven with it. Even if he knew that the non-Jew would bring leaven with it, it does not matter, for even if a non-Jew will do naught with it, he will have to pay the Israelite the full amount agreed upon, therefore he benefits nothing by the bringing of leaven with it. It is also permitted to rent him a room to live in during Passover, although he knows that he will bring in leaven, because he does not take from him any money for the bringing in of the leaven but for living there, and even if he brings no leaven he must pay.

10. One is forbidden to deliver his beast to a non-Jew even a long time before the Passover, if he knows that he will feed it with leaven on the Passover.

11. It is permissible for one to say to his non-Jewish domestic on the Passover: "Here is money, go buy yourself some food and eat," although he knows that he will buy leaven. In a case of necessity, one is also permitted to say: "Go and eat by the non-Jew, and I will pay him," or to say to another non-Jew: "Give my domestic something to eat and I will pay you," but he is forbidden to pay him the money in advance for whatever he will give to his domestic.

12. If it is necessary for one to feed a child with leaven, the child should be carried to a non-Jew and the non-Jew should give it the leavened food, and the Israelite should pay him afterwards. The Israelite should not himself feed the child with the leaven, but if the child is in a dangerous condition, everything is permitted.

13. To drink the milk of a cow which belongs to a non-Jew and which is fed on leavened during Passover, some authorities forbid it while others permit it. The scrupulous should follow the stricter opinion. Especially in a place where the custom prevails to forbid it, one should certainly not permit it.

CHAPTER CXVIII.

Law Concerning the "Order" on Passover Eve.

1. It is mandatory to acquire choice wine wherewith to perform the precept of drinking four goblets. If one can obtain red wine which is of the same quality as the white, and is also as valid for the use on Passover as the white, the former is to be preferred to the latter, for it is written: "Do not observe wine when it becomes red," from which it may be inferred that the value in wine lies in its being red. Another reason for the above is that it is a remembrance of the blood which Pharaoh shed in slaughtering the children of Israel. In the barbarous idiotic lands where they make false slanderous accusations (that the Jews use human blood on the night of Passover), people abstain from using red wine.

2. For the first dipping termed "Carpas," many are accustomed to take parsley, but it is best to take celery which also has a good taste when raw. And it is best of all to take radishes.

3. For the bitter herbs it is customary to take horse-radish, but as it is very pungent, it may be grated; care, however, should be taken that it become not entirely tasteless. It should therefore be grated on arriving from the synagogue. It is forbidden to be grated on the Sabbath, and therefore it should be done before night, and kept covered until the night. It is, however, best to take lettuce which is better to eat, and it is called "Bitter herbs" because when it remains for a long time in the ground, the

stem becomes bitter. One can likewise perform his duty by taking a bitter herb that is called wormwood. All the species valid to perform the precept therewith can be joined together to make up the necessary size of an olive, and either the leaves or the stems may be used but not the roots i. e., not the growing roots which branch off here and there. The large root, however, upon which leaves grow, although it is hidden in the earth, is classed with the stem. Nevertheless it is best to make use of the leaves with the stem which protrude above the ground, because there is some opinion which holds that whatever grows in the ground is called *root*. The leaves are not valid for the precept unless they are tender, but the stems are valid whether they are tender or dry, but not if cooked or pickled.

4. The *charoseth* must be thick in commemoration of the clay, and when one needs dip the bitter herb therein, he should pour a little vinegar in it so that it be softened in commemoration of blood, and for the further reason that it may become fit to dip something therein. It is proper to prepare the *charoseth* out of fruits to which the people of Israel are likened; for instance figs, because it is written: "The fig-tree perfumeth its green figs" (Songs ii, 13); nuts, because it is said: "Into the nut-garden was I gone down" (Id. vi, 1); dates, because it is said: "I wish to climb up the palm-tree" (Id. vii, 9); pomegranates, because it is said: "Like the half of the pomegranate" (Id. vi, 7); apples, in commemoration of what is said: "Under the apple tree have I waked thee" (Id. viii, 5), where the women were accustomed to give birth to their children without pain; and almonds, because the Holy one, blessed be He, was anxious to bring about the end (the redemption). One should put therein spices resembling straw, e. g., cinnamon and ginger which cannot be ground well and contain some threads resembling straw in commemoration of the straw they were accustomed to knead into the clay. On the Sabbath one should not pour the wine or the vinegar in the *charoseth*, because it must be done in a different manner, by putting the *charoseth* into the wine or the vinegar. The salt water should be prepared on the day preceding the Festival (even though it does occur on the Sabbath), and if one does prepare it on the Festival, he should do it in a manner different than usual, by pouring in first the water and thereafter put the salt therein.

5. From the time the Temple was destroyed, the sages have enacted that during the recital of the *Haggadah* it is necessary that there be on the table two kinds of dishes, one in commemoration of the Paschal offering, and the other in memory of the *Haggigah* offering which were sacrificed when the Temple was in existence. It is customary that one of the dishes be meat from the part called shoulder, in commemoration of the fact that God has redeemed them with an outstretched arm, and it should be roasted on coal in memory of the Paschal lamb which was roasted on fire. The second dish should be an egg, because an egg in the Aramaic language is called *Beah*, that is to say (beah) God desired to redeem us

with an outstretched arm. The egg may be prepared either fried or boiled, but it must be fried or boiled on the day preceding the Passover while it is yet day. If he forgot to do it, or that day occurred on a Sabbath, one may fry or boil it at night, in which case he must eat them on the first day of the Festival. On the second night he should also fry or boil them and also eat them on the second day of the Festival, as it is not permissible to cook on one Festival for another, nor on a Festival for a week-day. Now, inasmuch as roasted meat may not be eaten on these two nights, therefore one may eat the shoulder only during the daytime. Even if it was roasted on the day before the Festival, it should not be thrown out thereafter, but it should be placed in the victuals that are cooked on the second day and eat it.

6. He should arrange his seat while it is yet day, using nice spreads to the full extent of his means, and place them in such a manner that he will be able to incline his body and recline on the left side. Even if he is left-handed, he should recline on the left side. The dish too should be set while it is yet day, in order that immediately on his arrival from the synagogue he may proceed with the *Seder* without any delay.

7. Although during the rest of the days of the year it is best not to display too many beautiful dishes in commemoration of the destruction of the Temple, yet on the night of Passover it is good to make use of as many vessels as one can afford. Even the vessels that one does not use for the meal, he should arrange on the table to beautify it and to symbolize freedom.

8. The "dish" should be set as follows: Three *matzoth* should be placed upon the dish and covered with a nice cloth; near that, towards his right hand, the shank bone should be placed; the egg towards his left hand; the bitter herbs on which a benediction will be pronounced in the centre, the *charoseth* below the shank bone; the *carpas* below the egg, and the bitter herbs to be eaten with *matzoth* in the centre.

9. The wine goblets must be whole, without any flaw, and, they must be thoroughly washed, and they should hold at least one and a half egg-shells.

10. It is customary with us to don the ritual garment called "Kittel" which should also be prepared while it is yet day. One who is in mourning should not don it, but is bound to recline. If, however, he did not in any wise observe mourning before the Festival, as for instance, if he has interred his dead on the Festival, then it is not customary for him to recline, but he should say the *Hallel*, inasmuch as it is obligatory to say the *Hallel*.

11. The son at his father's table is obliged to recline. but the disciple at the table of his Rabbi is not required to recline.

CHAPTER CXIX.

The Order of the Night of Passover.

1. Although on every Sabbath and Festival it is permitted to say *ḳiddush* and eat while it is yet day in order to add from the unholy to the holy, but on Passover it is not so, because the precept to eat unleavened bread on the Passover is to be performed especially at night, as was the case with the Pascal sacrifice about which it is written: "And they shall eat the meat on this night." The precept to drink four goblets is also to be carried out especially at night; hence *ḳiddush* being considered as one of the four goblets should not be said until it is positively night. He should don the *ḳittel* and take his seat to arrange the *Seder*. It is mandatory to distritube nuts, almonds and the like amongst the children in order that they shall note the change and ask the cause their curiosity will lead them to enquire also the cause for having unleavened bread, and bitter herbs, and the reason for reclining. If the children have the capacity to comprehend the sacredness of the Festival, and understand what is related concerning the Exodus from Egypt, goblets of wine should be placed before them as well, from which they should drink. It is customary to fill up one goblet more than the number at the table; this is called "the goblet of the Prophet Elijah."

2. The domestic, or one of the household should fill up the goblets, and whenever it is necessary they should be filled by another than himself to symbolize freedom. He should urge his household to drink at least the greater part of each cup at one time, and of the fourth cup they should drink a quarter of a cup at one time. They should all bear in mind that they are thus performing the precept of drinking four goblets, of relating of the going out from Egypt, of eating unleavened bread and bitter herbs, as women also are in duty bound to perform these precepts, excepting the custom of reclining. He should recite the *ḳiddush* as it is written in the *hagadah*, and drink while reclining on his left side. If it is possible for one to do so, it were well to drink the entire contents of each of the four goblets, in conformity with the judicial authorities.

3. After that he should wash his hands without pronouncing the benediction, dry them, and cut up the *carpas* for himself and the members of his household. Less than the size of an olive should be given to each. It should be dipped in salt water, and the benediction "who createst the fruit of the ground" should be said thereon, and they should bear in mind that this benediction will exempt them from saying this benediction on the bitter herbs; he should eat thereof whilst reclining on his left side. After that he should take the unleavened bread that lies in the middle and divide it in two parts; he should take the larger part and put it upon his seat for the *Aphiḳoman*. The smaller portion he should put back in its place on the dish, and the company present should then say: "This is as

the bread of affliction" until "next year we shall free men." They who have it as their version, "Such as this was the bread" should omit the word de (which).

4. The cup should be filled a second time and a child should ask his father: "Wherefore is this night different, etc." If he has no small child neither son nor daughter, his wife should ask him, otherwise he should recite the questions to himself. After that, "Slaves were we" should be said, and it is proper to explain the hagadah to the household in the language that they understand. If he himself does not understand the holy language, he should say the hagadah with the translation in the vernacular, particularly the section: "Rabbi Gamaliel said", where it is essential to understand the reason for the Paschal lamb, the unleavened bread and the bitter herbs. At "And it is that promise" etc., he should cover the unleavened bread (so that it should not behold its insult, in that it is set aside and the goblet is taken up), and they should take the goblets in their hands and say: "And it is that promise," until "out of their hands", after which he should again uncover the unleavened bread. When saying: "This unleavened bread," he should take the half matzah from the dish, and showing it to his household, say: "This unleavened bread". When saying: "These bitter herbs" he should likewise raise the bitter herbs, but when saying: "The Paschal lamb" he should not raise the shank bone which is commemorative of the Paschal lamb. When saying: "We therefore," he should cover the unleavened bread, and they should each take their cups in their hands and hold them aloft until they conclude saying: "That hast redeemed Israel," they should then say the benediction "Who hast created the fruits of the vine," and drink whilst reclining on their left sides.

5. After that they should wash their hands and say the benediction "Concerning the washing of the hands," he should then pronounce the benediction "Who bringeth forth." And because on a Festival one has to say this benediction on two whole loaves, and the precept of eating *matzoth* is the eating of the broken one, because it is called bread of affliction, and a poor man is accustomed to eat of broken pieces, therefore he should take the whole *matzoth* with the broken one between them and pronounce the benediction "Who bringest forth," then lay down the lower *matzoth* and retain only the upper and the broken *matzoth* and pronounce the benediction: "To eat unleavend bread," then break off a piece the quantity of half an egg both of the upper and the broken *matzoth*, and give the same to each member of his household. He should eat both pieces whilst reclining on his left side. If it is difficult for him to eat both at one time, he should first eat the pieces on which he had pronounced the benediction: Who bringeth forth" then eat the size of an olive from the broken *matzah*, but he should not delay between them and eat both whilst reclining. It is the custom in our lands that neither the *matzah* partaken while saying: "Who bringeth forth", nor that partaken of while saying "To eat unleavened bread", should be dipped in salt.

6. One who is unable to masticate *matzah* is permitted to soak it in water to soften it, providing it does not become entirely dissolved, but a sick or an old person who cannot eat it if soaked in water, may soak it in wine or other beverage. When soaking the *matzah* wherewith one intends

to fulfil his obligations, care should be taken not to let it soak for twenty-four hours, as then it would be considered as if it was cooked and the precept could not be performed therewith. Care should also be taken that it does not lose its right to be classed as bread through other means.

7. He should then take bitter herbs the quantity of an olive, and give as much to each of his household, and dip it in *charoseth*, which he should shake off therefrom so that the bitter herbs should not loose their taste, say the benediction and eat it without reclining. After that he should take from the *matzah* on the bottom a like quanity of an olive, and about the quantity of an olive of bitter herbs, and he should also dip it in the *charoseth* and shake it off therefrom and put the bitter herbs between the *matzah* and say: "Thus did Hillel" etc., and eat about the size of an olive whilst reclining. The size of an olive is, as was already explained as much as a half an egg; but there are some who hold that it is less than one third of an egg. Since the law of eating bitter herbs is enacted by the Rabbis, he for whom it is hard to eat it, may rely on the last opinion. One who is indisposed and cannot eat any bitter herbs should at any rate chew a little of the species with which the obligation can be fulfilled, or any other bitter herb, until he feel a bitter taste in his mouth,just as a commemoration, without saying a benediction thereon.

8. The feast should then be partaken of. It is proper to recline during the entire feast. It is customary to partake of some eggs. When feasting, one should bear in mind that he has to partake of the *aphikoman*, according to the precept, which is not to be food in excess of his desire. Roast meat should not be partaken of on either night, not even poultry, nor even if it was first boiled and then roasted. Some are accustomed not to do any dipping excepting those two that are mandatory, so that it is cognizable that they are done for the purpose of fulfilling a command. On concluding the feast the *aphikoman* should be eaten in commemoration of the Paschal lamb that was eaten at the end of the meal. It is proper to eat thereof about the size of two olives, one in commemoration of the Paschal lamb, and the other in commemoration of the *matzah* that was eaten with it. At any rate one should not eat less than the size of an egg. It should be eaten whilst reclining. After the *aphikoman* it is forbidden to partake of anything. The third cup for the Grace should then be filled up, but if it is not clean, i. e., there be left something of what was left over from before, it requires washing and rinsing. It is mandatory to make an effort to say Grace in a company of three, but they should not go from house to house in order to look for a company to say Grace. It is customary that the Grace be said by the master of the house, for it is said: "He of a

good eye shall bless," and he is called of a good eye because he said: "Whoever is hungry shall come and eat." After Grace is said a benediction should be said on the third cup, which should be drunk whilst reclining. It is forbidden to drink between that and the fourth cup.

9. After Grace the wine cup is filled up for the fourth time, the door is opened according to the custom, to signify that it is a watchful night, and nothing is to be feared. Because of this belief Messiah will come, and the Lord, blessed be He, will pour out His wrath upon the heathens, and therefore, "O pour out thy wrath" is said; after that they begin to recite, "Not unto us" and continue *Hallel* until, "Give thanks" which, if there are three, should be said by one and responded to by two, as it is said in the congregation; the same may be thus recited even where one's wife and children who had reached the age of training compose the three. A full quarter should be drunk from the fourth cup and the final blessing said thereafter. The *hagadah* should then be continued until concluded. After the four goblets it is forbidden to drink any beverage except water. If one is not too somnolent, he should say the Song of Songs after the *hagadah*. It is customary on the two first Passover nights to omit the reading of the Sh'ma with the exception of the section Sh'ma and the blessing "who causeth" before retiring, to indicate that it is a watchful night and that there is no other protection needed from demons.

10. One who abstains from wine during the year because it is injurious to him should at any rate strain himself to drink the four goblets as our Rabbis, of blessed memory, said about R. Judah b. R. Illai that he used to drink the four goblets and then he had to tie his temples till the Feast of Weeks. In any event he may dilute it with water or he may drink raisin wine or mead, if this is a local beverage.

11. If the *aphikoman* was lost and there yet remains *matzah* of that which was made for performing the precept, he should eat thereof about the size of a half an egg, otherwise he should eat that amount of another *matzah*.

12. One who had forgotten to eat the *aphikoman* and became aware of it previous to saying Grace, although he had already laved his hands on the conclusion of the meal, or said: "Let us say Grace," he may eat it without being required to say the benediction: "Who bringeth forth". Although he has abandoned the thought of eating any more, yet it is not called a diversion of mind, since he is legally bound to partake thereof. He should at any rate wash his hands without saying: "Concerning the washing of the hands." If he did not become aware of it until after Grace, before pronouncing the blessing on the third goblet, he should wash his hands without saying: "Concerning the washing of the hands," but he should say the blessing: "Who bringeth forth" and eat about the amount of half an egg. He should then say Grace, say a blessing on the third cup and drink thereof. If, however, he only became

aware of it after he had already said the blessing: "Who createst the fruit of the vine" on the third goblet, he should drink the third goblet and then wash his hands and eat the *aphikoman* and say Grace without a cup of wine. If he is accustomed to say Grace without a cup of wine on other occasions, he should wash his hands, eat the *aphikoman* and then say Grace without a cup of wine. But if he is always accustomed to say Grace over a cup of wine, and now he cannot say it over a cup, because he will be adding to the four goblets, therefore he should not eat the *aphikoman*, but rely on the *matzah* he had eaten before.

CHAPTER CXX.

Laws Concerning the Counting of the Omer and Laws About that Period.

1. The counting of the *Omer* begins from the second night of Passover. It is counted whilst standing. This precept is performed in the beginning of the night, after stars appear; yet the entire night is the proper time for its performance. On the night of the Sabbath and a Festival, the *Omer* is counted in the synagogue after the *kiddush* has been said. At the conclusion of the Sabbath and a Festival, it is counted before the *habdallah* is said. When the last day of a Festival occurs at the conclusion of the Sabbath when *kiddush* and *habdallah* are said on one goblet, the counting is also done previously in order to say the *habdallah* at the last.

2. If one had forgotten and did not count the *Omer* the entire night, he should count it in the daytime, without saying a benediction thereon, but the following nights he should say a benediction when counting. If he had forgotten to count that entire day he should count every night thereafter without saying a benediction. If he is in doubt as to whether he had counted the previous night or not, although he did not count on the following day, he may nevertheless say a benediction when counting on the remaining nights.

3. If one is asked at twilight or later (previous to counting the Omer), how many days are to be counted on that day, he should tell him the number of days that were counted on the previous day, for by mentioning the number of days to be counted on that day, he will afterwards be forbidden to pronounce a benediction when counting the *Omer*.

4. Before he pronounces the benediction he should know the number of days to be counted. If, however, he did not know it, and said the benediction with the intention of counting as he will hear his neighbour count, he has also fulfilled his obligation. If one said the benediction with the intention of counting four days and was afterwards reminded that he must count five days, he may count five, and he need not repeat the blessing. If one erred in counting and instead of saying "six days" said "five days", if he was immediately reminded thereof, he should count properly and he is not required to repeat the benediction, but if he had paused slightly he must repeat the benediction.

5. On every Festival, if the first night occurs on the Sabbath when special Festival compositions *maaravith* pertaining to that night are not said, the *maaravith* of the first night are said on the second night. Excep-

on the Passover, when even if the first night occurs on the Sabbath, nevertheless, on the second night the *maaravith* pertaining to that night are said, inasmuch as it treats of the cutting of the *Omer* which took place on that night.

6. During the first thirty-three days that the *Omer* is counted the disciples of Rabbi Akiba had died, therefore some rules of mourning are observed during those days: no one is allowed to marry during these days, nor should one have his hair cut. There is a diversity of customs as to the time from when the thirty-three days are to be counted; in some localities it is customary to count from the first day the *Omer* is counted, and therefore they prohibit the above until the thirty-third day. But when the New Moon of the month of Iyar occur on the Sabbath which is then doubly sanctified, with the holiness of the Sabbath and with the holiness of the New Moon, they then permit one to marry or to cut his hair on the day before the Sabbath. Beginning with the thirty-third day of the *Omer* and henceforth they permit the above, because on the thirty-third day the disciples ceased dying, and therefore a little holiday is observed and the special supplications are not read on that day. Although some of them had died even on that very day, but it is held that a part of the day is equivalent to the whole day; therefore it is not allowed to cut the hair or to marry a woman till after dawn and not in the evening, but when the thirty third day of the Omer occurs on Sunday, a hair cut may be taken on the Friday preceding it, in honor of the Sabbath.

7. There are some places where they allow all of the above up to the New Moon of the month of Iyar (and that day included), which make it a total of sixteen days. then there are left thirty-three days in which it is forbidden, that is until the feast of Pentecost (but on the day before the Festival it is permitted to take a hair cut). Nevertheless they allow all of the above to be done on the thirty-third day itself. (And when this day occurs on Sunday, they permit it on Friday, as stated above). There are places where they permit it until the New Moon of Iyar, exclusive of that day, and the prohibition begins with the first day of the New Moon, and the first day of the three days before Pentecost is the thirty-third of the prohibition period, and concerning this day it is said that a part of the day is equivalent to the entire day, and therefore it is permissible on that day to marry and cut the hair, and they also permit it on the thirty-third day of the Omer (as was stated above). It is essential that the entire community abide by the same custom, and not some to abide by one set of customs and others by another.

8. The Sandek, i. e., the one that holds the child at the time of the circumcision, the circumciser and the father of the child are allowed to have their hair cut on the day preceding the day of the circumcision towards evening before going to the synagogue.

9. To celebrate engagements even by means of feasting is permissible during all these days, but it is prohibited to dance.

10. It is customary that neither men nor women do any work during the days that the Omer is counted, from sundown until after the Omer has been counted and there is a hint concerning this custom, for it is said, "Seven weeks (Sabbathoth)," the last being derived from the word "Sabboth" meaning to rest, that during the days the Omer is counted, from sundown and henceforth, it is proper to abstain from work till after the Omer is counted.

11. On the first night of Pentecost, the evening service should be put off until the stars appear, for if the service should be said before this and receive the Festival then, there will be lacking a little from the forty-nine days of the counting of the *Omer*, and the Torah said, "Seven full weeks they shall be."

CHAPTER CXXI.

Laws Concerning a Public Fast Day.

1. It is a positive command laid down by the Prophets to fast on the days sorrowful events had occurred to our ancestors. The purpose of the fast is to stir the hearts and to open the eyes to the ways of repentance, and that it serve us as a reminder of our own evil deeds, and of the evil deeds of our ancestors which were analogous to our present deeds, which caused to them and to us all these troubles. In commemorating these events, we will improve our ways, as it is said, "And they shall confess their own sins and the sins of their ancestors." Therefore it is every man's duty to take this to heart in those days, and to search out the evil deeds and to repent thereof, for the principal thing is not the fast itself, as it is written concerning the people of Nineveh, "And God saw their works," (Jonah iii, 10), and our Rabbis, of blessed memory said, it is not said "And he saw their sack-clothes and their fast," but, "And God saw their works, that they had turned from their evil way." The principal thing is not the fast thereof, but it is the preparation for repentance, therefore those people who do fast and spend the day in taking walks and with worthless matters, have retained the secondary and cast away the main principal.

2. The following are the days (of fasting): the third day of Tishre, when Gedaliah the son of Achikam was slain. After the Temple had been destroyed, Nebuchadnezzar left him in the land of Israel and appointed him as chief over Israel, and because he was slain, all were exiled, thousands of them were killed, and thus the remaining burning coal (the last hope) of Israel was quenched.

3. The tenth day of Tebeth, when Nebuchadnezzar, the wicked king of Babylon, approached the city of Jerusalem and laid siege against it, and from that day the destruction begins.

4. On the seventeenth day of Tammuz five sorrowful events occurred: the tablets were broken when Moses descended the mountain, as is related in the Pentateuch, and this occurred on the seventeenth day of Tammuz; the continual sacrifice was on that day abolished; the city was broken in, although during the first destruction the city was broken in on the ninth day of the month, for it is written: "And in the fourth month, on the ninth day of the month, when the famine was severe in the city . . . the city was broken in" (Jer. lii, 6-7), but during the second destruction on the seventeenth of the month the city was broken in, and the second destruction is regarded as severer with us; (furthermore it is stated in the Jerusalem Talmud that even at the first destruction it occurred on the seventeenth, but that on account of the great misery they mistook the date);

Apostomos the wicked burnt the Torah and placed an idol in the Temple, and this was done because of some wicked people in Israel, and this caused our destruction and exile.

5. And the ninth of Ab: On that day it was decreed concerning our ancestors in the wilderness that they should not come into the land of Israel, for then the spies had returned and Israel had wept in vain therefore was this day singled out as a day of weeping for many generations to come; on that day the great destruction occurred, for the first as well as the second Temple were destroyed on that day; the city of Bettar was conquered, which was a large city and in which many thousands and myriads of Jews were found; and on that day Turnus Rufus ploughed the site whereon stood the Temple and its environs, and the verse was fulfilled: "Zion shall be ploughed into a field." (There is another public fast day called Fast of Esther, Chapter cxli, 2, infra).

6. If these fasts occur on a Sabbath, they are postponed until after the Sabbath. When the tenth of Tebeth occurs on Friday, the fast is observed and completed that day.

7. If one of these four fasts occur during the seven days of a wedding feast, the bridegroom must fast, although these days are considered as a holiday to him, because the holiday is only his own personal celebration, then the mourning and the fasting of the public refutes it; and again it is written: "If I recall not Jerusalem at the head of my joy" (Psalm cxxvii, 6).

8. There is a distinction between the first three fast days and the ninth of Ab: on the first three fast days, one may partake of food on the previous night until the break of day if he does not sleep as usual. If, however, one sleeps regularly he is forbidden to eat or drink thereafter, unless he so determines before going to sleep. One who is accustomed to drink after sleeping need not previously have set his mind upon drinking. On the ninth of Ab, however, it is necessary to abstain from food on the preceding day while it is yet day. On the first three fast days it is permissible to wash, to anoint, to wear boots, and cohabit, but on the Ninth of Ab all of the above is forbidden. He who is of strong determination and healthy shall abstain from all this on the other fasts just as the Ninth of Ab, except the wearing of boots, because he may be ridiculed. If it is the night of immersion, one must perform the duty of marriage, on the three above named fasts.

9. There is another leniency regarding the first three fasts, that pregnant and nursing women, if they suffer therefrom, are exempt from fasting. A sick person, even if he is not in danger, is likewise not bound to fast. Nevertheless, even the one for whom it is permissible to eat, should not take pleasure therein, but should eat as much as is essential for the

preservation of health. Children, also ,although it does not devolve upon them to fast, nevertheless if they are of sufficient intelligence to mourn, it is proper that they mourn with the community.

10. On any public fast day it is forbidden to rinse the mouth with water in the morning. If it is possible to eject the saliva it should be done so, but if it be impossible to eject it, it may be swallowed even on the day of Atonement, since it is not intended to derive pleasure therefrom. On a public fast it is forbidden to taste food and then eject it. On a fast day which one voluntarily undertakes, he is permitted to taste food and reject it; the rinsing of the mouth is likewise permissible on a private fast day.

11. It is mandatory upon every Jewish community whenever they are in distress, Heaven forfend, to fast and to pray for relief from their distress to the Holy One, blessed be His name. But if the time is not appropriate for fasting, e. g., those who are pursued and who are not permitted to fast in order that their strength be not weakened, they should resolve to fast a certain number of days when they will be saved. This will be reckoned to them as if they were now fasting, as we find it concerning Daniel where it is written: "And he said to me, Fear not, Daniel, for from the first day that thou didst set thy heart to obtain understanding, and to fast before thy God, were thy words heard" (Daniel x, 12).

CHAPTER CXXII.

Laws Concerning the Interval Between the Seventeenth of Tammuz and the Ninth of Ab.

1. Since on the seventeenth day of Tammuz the troubles of the destruction of the Temple began, it is customary to observe some rules of mourning from that day to the ninth day of Ab. Every God-fearing man should observe mid-day service daily in the afternoon. One should not marry (although he has not as yet fulfilled the obligation of propogation), but a betrothal is permitted during those days even to be accompanied by a feast until the new moon of Ab; but from new moon of Ab, although a betrothal is permitted, it is nevertheless forbidden to make a feast, but they are permitted to partake of preserves and the like. An Israelite whose vocation is that of a musician is permitted to play in the house of a non-Jew to make a living thereby until New Moon, but he is forbidden to play from New Moon until after the Fast of Ab. It is likewise forbidden to play on the Fast of the seventeenth of Tammuz also on the tenth of Tebeth. Some have made it a custom not to eat meat from the seventeenth day of Tammuz until the ninth day of Ab, excepting on the Sabbath and a mandatory feast.

2. It is a custom that the blessing "Who has kept us in life" should not be said during these days, therefore one should neither purchase nor put on a new garment, as that would necessitate saying the blessing: "Who has kept us in life," but on celebrating the redemption of the first-born the blessing "Who has kept us in life" should be said in order not to delay its fulfillment. If a new fruit will not be obtainable after the ninth of Ab, one should say the blessing: "Who has kept us in life" thereon either on a Sabbath or even a week-day. One should not strike his pupils or his children during these days.

3. It is likewise a custom that one should not cut his hair during these days, neither the hair of the head, nor of the beard, nor any hair of the body. Adults are also forbidden to cut the hair of children.

4. It seems to me that until the week in which the ninth day of Ab occurs, one should be permitted to cut off his mustache if it interferes with him while eating. But it should be forbidden during the week in which the ninth day of Ab occurs.

5. The paring of nails is forbidden only during the week in which the ninth of Ab occurs, but a woman for the requirements of immersion is permitted to pare them even then. A Mohel is likewise permitted to fix up his nails for the requirements of circumcision.

6. On the three Sabbaths, between the seventeenth of Tammuz and the ninth of Ab, the three chapters in the Prophets foretelling the chastisements, viz: "The words of Jeremiah" etc. (Jer. i, 1); "Hear ye the word of the Lord" (Jer. ii, 4); "The Vision of Isaiah" (Is. i, 1) are read for the *haphtorah*. If by error one had read on the first Sabbath the *haphtorah* of the regular weekly section, on the Sabbath that follows both sections should be read, "Hear ye" and "The words of Jeremiah" as they are near each other. If the New Moon of Ab fell on the Sabbath, the *haphtorah*: "The heaven is my throne (Is. lxvii) should be read. There are places where "Hear ye" is read.

7. When the month of Ab has come there should be a decrease of mirthfulness. One should not build an edifice for pleasure, or even only for profit. If one had contracted with a non-Jew to decorate his house, if he can induce the contractor through slight emolument to wait until after the ninth of Ab, it is proper to do so, but if it is not possible it is permissible. If an Israelite has a law-suit against a non-Jew, he should try to adjourn it, because of ill luck; if possible he should adjourn it till the end of the month of Ab. The moon should not be consecrated till after the ninth day of Ab.

8. It is a custom in all Israel that one should not eat meat nor drink wine in the nine days from New Moon until after the ninth of Ab. It is forbidden even to partake of victuals wherein meat was cooked, or in which there is fat, even the flesh of poultry is forbidden. The one to whom dairy

meals prove harmful may eat flesh of poultry. For the requirements of a sick person all that is permissible; nevertheless if it is not hard for the invalid, abstention should be practised from the seventh of Ab. It is also customary for a woman in her confinement to abstain from meat and wine from the seventh day on, for on that day the heathens entered the Temple. On a feast of a precept such as a circumcision, the redemption of the first-born, and the conclusion of a Talmudical treatise, it is also permissible to partake of meat and wine, and besides one's parents, brothers and children, as well as those who are concerned in the performance of the precept, one may invite ten more men for friendship's sake, but only those who would have come to one's feast at another time. All of the foregoing is permissible even on the day preceding the ninth of Ab before noon, but not after that time. The feast which is generally made the night before the circumcision is not mandatory, and therefore meat and wine is prohibited, but it should be prepared of dairy. Concerning the goblet of wine for *habdallah* on the conclusion of the Sabbath, if there be a child who is able to drink the greater part of the goblet, it should be given him, otherwise he who says the *habdallah* may drink it himself.

9. One should not have any washing done during these nine days, even a garment which one does not wish to wear until after the fast it is forbidden even to be given to a non-Jew. A Jewess may wash the clothing of a non-Jew; nevertheless in the week that the ninth of Ab occurs she should take care not to do so. During the nine days it is likewise forbidden to put on or to spread even those garments or cloths that were washed previously. For the honor of the Sabbath one is permitted to put on linen garments, and to cover the table with white cloths, and to change towels in the same manner as on other Sabbaths, but it is forbidden to lay white spreads. A woman who requires to put on white lingerie in order to count seven clean days is permitted to wash them and to put them on. It is also permitted to wash infants' diapers, as they are continually soiled.

10. During the nine days one should not have new garments or new boots made or have stockings knitted even by a non-Jewish workman, but if very necessary, e. g., for a wedding that will take place immediately after the ninth of Ab, it is permissible to have them made by a non-Jewish workman, but not by an Israelite; before New Moon it is in every wise permissible to give them to a Jewish workman, who is permitted to make them even after that time.

11. Some women are wont not to arrange the threads to be woven, because this act is called "shethi", and since the "Eben shethija" that was in the Temple was destroyed they are stringent about it; this should not be made permissible to them.

12. During the nine days one should not bathe even in cold water, excepting as a remedy, as for instance a woman who had given birth, or a pregnant woman nearing parturition, for whom bathing is beneficial, or one who is feeble and was medically advised to bathe, these are permitted to bathe even in warm water. A woman who was menstrually unclean may bathe and immerse herself as usual. If she will perform the immersion on the night after the ninth of Ab, and it will be impossible for her to bathe then, she is permitted to bathe on the eve of the ninth of Ab. When putting on lingerie, she may also bathe somewhat, as usual, inasmuch as she does not do so for pleasure.

13. On the New Moon of Ab occurring on the day preceding the Sabbath-eve, one who is accustomed to bathe every sabbath-eve is also permitted to bathe then, even in warm water, but on the eve of the Sabbath on which the *haftora*, "The vision of" (Is. i, 1) is read bathing in warm water is frbidden even for one who is accustomed thereto, and he is permitted to bathe only his face, hands and feet. One who is accustomed to cleanse his hair every Friday is also permitted then, but not with soap. One who is accustomed to immerse every Friday is then also permitted to do so in cold water, but one who sometimes abstains therefrom is forbidden to do so.

14. A mourner whose thirtieth day occurs on the eighteenth of Tammuz or thereafter until the eve of New Moon of Ab, is permitted to have his hair cut, but from New Moon he is forbidden, even in that circumstance, either to bathe or have his hair cut.

15. At a circumcision that occurs during the nine days, it is customary for the Mohel, the Sandek and the parents of the son to don Sabbath-attire, but the one who brings in the child is forbidden. The woman, however, who assists in that ceremony is accustomed to wear her Sabbath-apparel, as that is the only ceremony in that rite which is mandatory upon her. Before Sabbath during the nine days they may cut their hair, but not thereafter.

16. We already wrote in section 6 that on the Sabbath during the nine days it is permitted to put on white linen, i. e., shirts and stockings which are put on only because of perspiration. As regards other Sabbath clothes, it all depends upon the custom prevalent in the particular locality whether they may be put on or not. At synagogue we may change the cover of the ark, the table covering and the mantles on the Sabbath during the nine days, but not on the Sabbath which occurs on the ninth day of Ab.

17. On the Sabbath during the nine days of Ab, it is the custom to call up to *Maftir* the Rabbi who knows how to lament, and then he should not be called up to the third portion.

CHAPTER CXXIII.

Laws Concerning the Day Preceding the Ninth of Ab.

1. When the covenant of circumcision, or the redemption of the first-born is celebrated on the day preceding the ninth of Ab, the feast should take place before noon.

2. One should not go out for pleasure on the day preceding the ninth of Ab, and it is customary not to study in the afternoon other subjects than those permitted on the ninth of Ab.

3. Regarding the meal before the fast there are many laws, and the proper custom is to eat the regular meal before the afternoon service, and after that the afternoon prayers are said, but the supplication prayers are omitted, because the ninth of Ab is called a holiday, as it is written: "He has called a holiday for me" (Lam.). At the approach of evening one should sit on the ground, and it is not necessary to remove the boots. Three should not sit down together so that they should not be compelled to say Grace together, and only bread and a cold hard-boiled egg should be partaken of, and a portion of bread should be dipped in ashes and eaten. Care should be taken to finish this meal while it is yet day.

4. If one fasts on Mondays and Thursdays during the entire year, and the day preceding the Ninth of Ab occurs on one of those days, he should consult a learned man regarding his vow. One who has Jahrzeit on the day preceding the Ninth of Ab should make a resolve on the first occasion not to fast any longer than until noon, then he should say the afternoon prayers (half-an-hour after noon) and partake of a meal, afterwards, at the approach of evening, he should eat the concluding meal.

5. All that is forbidden to be done on the Ninth of Ab is forbidden in the twilight; it is therefore necessary to remove the boots before twilight.

CHAPTER CXXIV.

Laws Concerning the Ninth of Ab.

1. In the evening all enter the synagogue and take off their boots. It is customary to remove the vail from the holy ark, because it is written: "He hath accomplished his word" (lam. ii, 17), and but one light is lit in front of the Reader. The evening prayers are said in a low voice, with a weeping intonation, mourning like. "Comfort" (in the *amidah*) is not said until the morrow in the afternoon service. After the prayer of the *amidah* the entire *kaddish*, including "May the prayers and supplications" etc., is said. All should be seated on the ground, and only a few lights are lit just sufficient to enable them to say Lamentations and the special lamentations. Lamentations and the special lamentations are likewise said in a low tone with a weeping intonation. When saying Lamentations, a slight pause should be made between one verse and the other, and a slightly longer pause between one chapter and the other. At the beginning of each chapter the Reader should raise his voice slightly, and the last verse of

each chapter should be read in a loud tone. When the verse "Restore us, O Lord" is reached, the congregation say it in a loud tone, then the Reader concludes, and the congregation repeat "Restore us" in a loud tone and the Reader follows suit. Upon concluding the special lamentations, "And Thou art holy" is said, then the entire *kaddish*, but not "May the prayers and supplications," because it is said in Lamentations "He shutteth out my prayer" (Lam. iii, 8). On the morrow in the morning service "May the prayers and supplications" is likewise omitted, and it is only said in the afternoon service. One who prays privately, having no assembly of ten, should also say Lamentations and the special lamentations.

2. A man should submit to suffering as relates to his sleeping accommodations, so that if he is accustomed to sleep on two pillows he should sleep now only on one. Some people are accustomed to sleep on the ground on the night of the ninth day of Ab. One should place a stone underneath his head, in memory of what is said: "And he took from the stones of the place" etc. (Gen. xxviii, 11), because he saw the destruction, and he said "How fearful" etc.

3. In the morning the *tephilin* are not put on, because they are called "Adornment." Neither is the *tallith* put on, because it is written: "Biza Emratho" (Lam. ii, 17) and the targum explains it "He rent His purple garment", but the small fringed garment should be worn as usual, without saying the benediction thereon. All arrive at the synagogue a little earlier than usual. There is no light to be lit in front of the Reader, and the prayers are also said in a low tone with a weeping intonation. "A psalm of thanksgiving" is said. The Reader in the repetition of the *'amidah* says "Answer us" between "The redeemer of Israel" and "Heal us, O Lord," as on every public fast day, but he does not say the blessings of the priests; after the *'amidah* he says *kaddish*. Neither the special prayers of supplication nor, "O God, who art long suffering" is said, because it is called Moed (Festival). A scroll of the law is taken out, and the section, "When thou wilt beget children" (Deut. iv, 24) is read for three persons, and it is proper that the one called up should say in an undertone: "Blessed be the judge of truth." At the conclusion of the reading of the Torah, half-*kaddish* is said, and the *haftorah*, "I will surely destroy them" (Jeremiah viii, 13) is read in the tone of Lamentations; the scroll of the law is then replaced in the holy ark, the congregation sit on the ground and say the special lamentations. The saying of the special lamentations should be prolonged till close to noon. Thereafter, "Happy are they that dwell" is said but not "For the chief musician" (Psalm xx), only "A redeemer shall come to Zion" and the verse "And as for me this is my covenant" should be omitted, for it would appear that he establishes a covenant for the lamentations, and for the further reason that it is not appropriate to say "And as for me this is my covenant" etc., "Shall not depart out of my mouth" etc., since all are forbidden to study the Torah. But in the house of a mourner during the entire year, excepting on the Ninth day of Ab, it is to be said, for although the mourner himself is exempt from the study of the Torah, the comforters are not. Then "And Thou are holy" is said, followed by the saying of the entire *kaddish* with the omission of "May the prayers and the supplications"; after which "It is our duty to praise" and the mourner's *kaddish* are said. Neither the Hymn of Mono-

theism, the Hymn of the day, nor "The compound forming the incense" is said. And it is proper to read thereafter the scroll of Lamentations.

4. If there is a mourner in the town, he should go to the synagogue on the night of the ninth of Ab, also in the daytime until the special lamentations are concluded. It is permissible for him to go up to the Torah and to read the *haftorah*, because all are mourners.

5. Matters of the Torah rejoice the heart, for it is said "The precepts of the Lord are right, rejoicing the heart" (Psalms xix, 9); therefore on the ninth day of Ab it is forbidden to study the Torah, excepting such subjects that sadden the heart, such as the prophecies of evil in Jeremiah, speaking of evil occurrences, but one should omit the verses containing consolations, likewise the verses containing punishments for the nations of the world should be omitted. It is also permitted to study the book of Job, Midrash Ekha, in the Talmud the Chapter Elu M'galchin which treats of the laws of a mourner and one who is disgraced by the Rabbis, and in the Haggada of Chapter Hanizakin, and in the Talmud of Jerusalem the last part of the Treatise Taanith which treats of the destruction of the Temple. Even in the above it is forbidden to study therein and to solve the problems they present, or find the inference they suggest, as these things cause satisfaction. Whatever one is permitted to study himself, he is also permitted to teach to children. One is permitted to read the entire order of the daily sacrifices, even "Which are the places," but the order of Maamodoth one should not say even if he is accustomed to say it daily.

6. A pregnant woman or one nursing, although they suffer very much, are required to complete the fast, unless, God forbid, danger may be apprehended. One who is ill, even not dangerously, is not bound to complete the fast, but only fast some hours; this applies more especially to one who is naturally weak. A woman who had given birth, from seven days thereafter to the thirtieth day, even if she is not ill, is amenable to the law that governs one who is ill but not dangerously. If, however, she feels that she has completely recuperated and that the fast will not harm her, she is bound to complete it. They who are obliged to eat on the Ninth of Ab should not regale themselves with viands, but eat just enough to preserve their bodily health.

7. Bathing is forbidden, whether in hot or in cold water, even to put one's finger in water is forbidden. But if it is not for pleasure it is permissible; hence one may wash his hands in the morning, but should be careful not to wash more than the fingers, for this is what constitutes the main morning wash as an evil spirit rests on the fingers in the morning. After having dried them slightly while they are still moist one may pass them over the eyes. If one's eyes are filmy after sleep and he is accustomed to wash them every morning, he is permitted to wash them as usual, and need not feel any apprehension. If one's hands are soiled with slime

or the like, he may likewise wash the filthy place. After one responds to the call of nature, he may slightly wash his hands as he is accustomed to do. One should likewise lave his fingers for the Afternoon Service.

8. Women who cook and are obliged to rinse the edibles are permitted to do so, inasmuch as the purpose is not to wash the hands. He who is on the way to perform a certain precept and he is unable to proceed unless he cross a stream, may cross it while going there and while returning and need not feel any apprehension. However, if he is going for his own gain, he may cross it while going there but not while returning. If one come from a journey (on foot) and his feet are sore, may bathe them in water.

9. Although only bathing for pleasure is forbidden, nevertheless a woman whose time for taking the ritual bath of immersion occurred on the Ninth of Ab, should not perform the immersion, since cohabitation is forbidden. (For the law regarding the changing of white linens, vide Chapter clix, infra).

10. Anointing also is forbidden if done for pleasure, but if one has scabs on his head, or if necessary for some other remedy, anointing is permitted.

11. Wearing boots is forbidden only if made of leather, but if they are made of cloth or the like, and they are not trimmed with leather, it is permissible to wear them. They who go among non-Jews are accustomed to wear boots in order not to be exposed to ridicule; but it is proper to place earth in the boots; nevertheless a person with determination should be rigid about it. They who stay in shops are surely forbidden to wear boots. He who walks for a considerable distance, since there is great suffering, our sages, of blessed memory, did not prohibit it, and he is permitted to wear boots, but on nearing a town they should be removed. However, one who rides in a vehicle is forbidden to wear boots.

12. Cohabitation is forbidden, and it is proper to be scrupulous and not even touch one's wife.

13. One is forbidden to greet his neighbor on the Ninth of Ab, even to say good morning or the like is forbidden. If greeted by an ignoramus or a non-Jew, he should respond in a low tone in order to avoid offense. It is likewise forbidden to send a gift to one's neighbor, because it is included in greeting.

14. One should not walk in the market, so that he come not to laughter and rejoicing. Some prohibit the smoking of tobacco, and some permit it in privacy in one's house in the afternoon.

15. In as far as work is concerned, it is customary with us that all work which takes time to do it, even if it is not the work of a skilled artisan only the work of an ordinary person, is forbidden to be done in the night-time and in the day-time until noon. But a thing that does not take

long to do, e. g., the lighting of candles or the like, is permissible to be done. In the afternoon all work is permissible. The transaction of business it is customary to forbid it in the forenoon and to permit it in the afternoon. However, he who is God-fearing should be scrupulous and not do any work nor transact any business the whole day, so that his mind be not diverted from mourning. All manner of work is permitted to be done through a non-Jew, and if the work be of a nature which if not done at once might occasion a loss, one is permitted to do it himself. The milking of cows ought to be done by a non-Jew, but when that is impossible, one may milk them himself.

16. It is customary not to sit on a bench, neither at night nor in the daytime until noon, but only on the floor; in the afternoon it is permissible. Of the other things that are forbidden to be done, one is forbidden to do them until the appearance of the stars.

17. It is customary not to prepare the things needed for a meal until noon, but for the requirement of a precept it is permissible.

18. If there is a child to be circumcised, he should be circumcised after the special lamentations are concluded. The father and the mother of the child, also the Sandek and the Mohel are permitted to don their Sabbath attire in honor of the circumcision; after the circumcision they should divest themselves of those garments. Candles may be lit in honor of the circumcision, and the goblet of wine should be given to a child to drink.

19. In the Afternoon Service, the *tallith* and the *tephilin* are put on, and the benediction said thereon. The hymn of the day as well as all other portions that were omitted in the Morning Service are said then. "Happy are they" is said and the half-*kaddish* thereafter; then the Torah is read and the same *haftorah* is read as on any other public fast day. The Torah is then replaced in the Ark, and the Reader says half-*kaddish*. Then the *'amidah* is said, and "Comfort thou" etc. is said in the benediction "And to Jerusalem"; if it was then omitted, it should be said after "Answer us, O Lord," but it should not be concluded with "Blessed art Thou, O Lord, who comfortest Zion," but with "For Thou hearkenest" etc.; but if he did not become aware of the omission even then until after he said "Blessed art Thou, O Lord," he should conclude the benediction "Who hearkenest unto prayer," and then continue to pray according to the prescribed order, and he need not repeat the *'amidah* again. The Reader when repeating the *'amidah* says the blessings of the Priests, and after the *'amidah* the entire *kaddish* including "May the prayers and the supplications" is said. The *tephilin* are then removed and the Evening Service is said. If the moon is shining it is customary to sanctify it. See supra Chapter xcvii, 11, where some authorities hold that it is necessary to taste something first.

20. It was taught in a Boraitha: On the seventh day of the month of Ab the heathens entered the Temple, ate and drank in there and thus abused it on the seventh and on the eighth, and on the ninth towards evening they kindled a fire there, and it thus continued to burn throughout the

tenth day until sunset. The reason the fast was not set for the tenth day, although on that day the greater part of the Temple was burnt, is because the beginning of the punishment is severer. In the Talmud of Jerusalem it is stated: Rabbi Abin fasted on the ninth and on the tenth; Rabbi Levi fasted on the ninth day and night of the tenth day, because he had not sufficient strength to fast the whole of the tenth day he fasted during the night only; but as for us our strength being weak, we fast only on the ninth day. Nevertheless we should be scrupulous as not to eat meat nor drink wine during the night of the tenth nor during the tenth till noon, unless it be a mandatory feast. The benediction "Who hath kept us in life" should not be said, neither should one bathe, cut his hair, or wash anything until the noon of the tenth. If the tenth occur on the day preceding the Sabbath, it is permitted to bathe, cut the hair and wash immediately in the morning in honor of the Sabbath.

21. A woman who had given birth, although she fasts after the first seven days, is nevertheless allowed to eat meat and drink wine on the night of the tenth day.

22. It is proper not to have conjugal intercourse on the night of the tenth day, unless it be on the night of the ritual immersion, or if he is about to go on a journey, or has come back from a journey.

CHAPTER CXXV.

Laws Concerning the Ninth of Ab that Occurs on the Sabbath or on Sunday.

1. If the Ninth of Ab occur on Sunday, or if it occur on the Sabbath but was postponed to Sunday, it is permitted to eat meat and to drink wine during the Sabbath. Even at the third meal had after the Afternoon Service it is permissible to eat everything. But one should not at that time feast with a company; if a circumcision is to be celebrated, the feast should take place before the Afternoon Service; but one is permitted to partake of a meal wih his household, and he may say Grace with a quorum of three. The meal should be finished while it is yet day, as eating, drinking and bathing are forbidden in the twilight. The boots should not be removed until after *Barchu* (Bless ye) is said. The Reader should take off his boots before he begins, "And He being merciful," so that his mind be not confused, first saying the benediction "Who makes a distinction between holy and profane" without pronouncing the Divine name and the Royal attribute.

2. On the Sabbath night on which the Ninth of Ab occurs, cohabitation is forbidden, unless it be her time to take the ritual bath of immersion.

3. "May the Father of mercies" etc., is said and the memorial service is held in the morning, but in the Afternoon Service neither "Thy righteousness is an everlasting righteousness' is not said.

4. If the Ninth of Ab occur on a Sabbath it is proper to study only such subjects as are permissible to be studied on the Ninth of Ab; therefore it is not permissible to read the Ethics of the Fathers, but it is allowed to read twice the portion of the week and once the Targum, especially is it allowable before noon. If the Sabbath occur before the Ninth of Ab, it is not permitted to study in the afternoon as is the case with any Ninth of Ab.

5. Before the evening prayers neither "To the Chief Musician on the Neginoth" nor is "And let the pleasantness of the Lord" said before "And Thou art holy." for this was said upon the setting up of the Tabernacle, and now it is destroyed, nor is "And God give thee" said, nor are children to be blessed by their parents.

6. At dark when one sees the candles lit, he should say the benediction "Who createst the light of the fire," and in the *'amidah* he should say "Thou hast favored us." The *habdallah* on a goblet of wine should not be said until the conclusion of the Ninth of Ab. At this time he should say the blessing on a goblet of wine, but he should not say the benediction on spices nor on a candle, even if he did not say it on the conclusion of the Sabbath. He should warn his household not to do any work before they say "Who makest a distinction between the holy and the profane," omitting the Divine name and the Royal attribute. If one forgot to say "Thou hast favored us," he need not repeat the *'amidah*, but should finish his prayer because on the conclusion of the fast he will say *habdallah* over a cup. He should not taste anything before, and if he must do work, he should first say "He who separates" omitting the Divine Name and the Royal attributes.

7. When the Ninth of Ab occurs on a Sabbath and is postponed to Sunday, it is forbidden to partake of meat and drink wine on the night aftes the fast, as is the case with any ordinary Ninth of Ab on account of the mourning to be observed, but on the morrow everything is permitted very early.

8. When a circumcision is celebrated on a postponed Ninth of Ab, the father and the mother of the son, the Mohel and the Sandek are permitted to say the Great Afternoon Service, i. e., after half past twelve, and then they are allowed to say the *habdallah* over a goblet of wine and then eat and even bathe, but a feast should not be held before the night. At the celebration of the redemption of the first-born which is not postponed, the father and the priest should not complete the fast.

CHAPTER CXXVI.

To Commemorate the Destruction of the Holy Temple.

1. After the destruction of the Temple, our sages, of blessed memory, established that on every occasion of rejoicing the destruction of the Holy Temple should be commemorated, as it is said, "If I forget thee, O Jerusalem, etc. If I prefer not Jerusalem above my chief joy." They have decreed that no Israelite should build for himself a house painted and decorated according to the styles of the kings; nor should he whitewash the entire house, but he may plaster the house, whitewash it and leave

unwhite-washed the space of a square cubit opposite the entrance, commemorative of the destruction. Why this custom does not prevail now, we do not know of any good reason.

2. They likewise established that he who prepares a feast for guests, be it even a mandatory feast, should not place all the edibles at one and the same time on the table; that a woman should not decorate herself with all her jewelry, that upon the head of the Bridegroom, before the nuptial ceremony, ashes are placed at the place where the *tephelin* are worn, and in the veil wherewith the bride is covered no silver or gold thread should be interwoven. It is likewise customary at the writing of the marriage contract, after it has been read, to shatter an earthen vessel, commemorative of the destruction, but it is proper that a broken vessel be used for that purpose, and that under the nuptial canopy the bridegroom breaks a glass vessel; this vessel may be a whole one.

3. They likewise decreed not to listen to instrumental music nor vocal songs. During the holding of feasts only the established hymns, the same as those sung on the Sabbath, may be sung, but it is forbidden to sing other songs.

4. Beware thou from attending the shows of the heathens or their dances or anything that bears the earmarks of rejoicing, and when thou unwittingly hearest their joyous voices, thou shalt sigh and grieve over the destruction of Jerusalem, and thou shalt pray to the Holy One, blessed be His name. And it is forbidden to even visit the shows of Israelites, because it is the place of scourners. All kinds of rejoicing is forbidden, but it is permissible to enjoy the groom and the bride, whether with vocal song or with musical instruments. Even then there should be no rejoicing had to excess. In this world a man is not permitted to fill his mouth with laughter, even when rejoicing in the performance of a precept, for it is said: "Then was our mouth filled with laughter" (Psalms).

CHAPTER CXXVII.

Laws Concerning a Private Fast Day.

1. Just as it is mandatory upon the public to fast and to pray in case of any distress, Heaven forfend, so it is mandatory upon every private person when any calamity, God forbid, befall him, e. g., if one of his family is sick, or if he goes astray in his travel, or if he is confined in prison on a false charge, it is mandatory upon him to fast and to pray to God and to beg for mercy from Him, blessed be His name, that he should help him. This is one of the principles of repentance, that a man should not say, God forbid, that what befell him was due to a mere common occurrence; for it is said, 'If ye will go with me with *Keri* (contrariness, chance), then I too will go with you with the anger of *Keri;*" which is explained to mean that "when I will bring any distress so that ye repent, then if ye will say that this was a mere accident, then I will add to the

wrath of the same *Keri.*" A man should know that God brought upon him all this trouble because of his sin; he shall then examine his deeds and return to the Lord who will have pity on him.

2. If an individual desires to fast, he should make that resolve on the previous day in the *'amidah* of the afternoon prayers, thus in the blessing "Hear our voice" he should think it in his heart that he takes it upon himself to fast, and before saying "Let the words of my mouth" he should say "Master of the Universe behold I am to fast before thee" etc. If he eats and drinks thereafter until break of day it does not matter. If one desires to fast several days consecutively, although he will eat and drink in the intervening nights, still the one resolve is sufficient. But if one takes it upon himself to fast certain days which are not consecutive such as Monday, Thursday and Monday, he should make that resolve for each day respectively in the Afternoon Service of the preceding day.

3. One who is accustomed to fast during the ten days of penitence, or on the first day of *S'lichoth* and on the eve of *Rosh-Hashana*, need not make a resolution to do so, because they are accepted by virtue of the prevailing custom. A fast on account of an evil dream does not require to be preceded by a resolution, nor do the fasts of the Monday, Thursday and Monday which follow the feasts of Passover and Tabernacles require any other resolution if he responds Amen and he mentally resolves after "He who had blessed" etc., announcing these fasts. Nevertheless if he regrets that thought, and does not desire to fast, he is released, inasmuch as he did not verbally undertake to fast.

4. Although one did not verbally undertake to fast, but merely thought of fasting on the morrow, and that even if not in the afternoon prayer, but previous thereto or afterwards while it was yet day, it is a resolution, and he is obliged to fast.

5. The one who is fasting should not seek pleasure, neither should he behave irreverently and be merry and gay of heart, but he should worry and mourn, as it is written: "Wherefore doth a living man complain, a strong man because of his sins?" (Lam. iii, 39).

6. On a private fast day one is permitted to wash his mouth with water in the morning.

7. If one had undertaken to fast without specifying until when, he is required to complete it until the stars appear, even if it is Sabbath-eve.

8. One who fasts and makes it known to boast of it is punished; however, if he is urged to eat, he is permitted to reveal that he is fasting.

9. One who fasts even a private fast, whether it is a voluntary fast, or a fast on account of a dream, should say in the *'amidah* of the afternoon prayer, in the blessing "Hear our voices" the same as on a public fast day, (and although he is only one he should say it in the plural, in order not to deviate from the formula the scholars have fixed), and before that he should say "Master of the universe," etc.

10. One who had vowed to fast one day or ten days, and did not specify on which day or days, even if he had resolved in the afternoon prayers to fast on the morrow, and it became urgently necessary for him to eat, e. g., he is invited to partake of a feast held for the performance of a precept, although he is ont a party to the celebration, or if a great man urges him to eat and it is hard for him to refuse him, or he is worried about it, he may substitute the fast day, that is, he may eat on that day even if he had already begun to fast, and in lieu thereof fast on another day. This is permissible only providing that he had undertaken to fast on that day only in order to fulfill his previous vow; if, however, he did not previously make a vow, but merely took it upon himself in the Afternoon Service to fast on the morrow, then even if it causes him great distress thereafter, he is not allowed to substitute his fast day and repay it by another day.

11. If, while making the vow, he had specified certain days, and also took them upon himself in the Afternoon Service, he can no longer substitute the fast-day.

12. One who resolved to fast but the fasting caused him great distress, may redeem it with money according to his means, and the money should be distributed to the poor; if the fast is undertaken because of a vow he had made, redemption is of no avail; nor does redemption avail on a fast day decreed by the congregation, unless the congregation made such a condition.

13. One who had vowed to fast Monday, Thursday and Monday may change it and fast Thursday, Monday and Thursday, but not on other days, for it is presumed that his intention was to fast only on such days, since they are days of judgment.

14. The fasts of the Monday, Thursday and Monday after the Passover and after the Tabernacles, likewise of the ten days of penitence, which one did not resolve upon in the afternoon prayers, but he fasts by virtue of the custom, even if when responding Amen after the prayer "Who had blessed" etc., he resolved to fast, but as long as he did not resolve upon it in the afternoon prayers, if a circumcision or the redemption of the first-born or another feast of the precept occurred then, it is mandatory for him to eat. He does not require absolution for whoever fasts on these days are doing so by virtue of the custom, and it is not customary to fast when there is a feast held in the course of performing a precept.

15. In cases where it is permissible to partake of a meal held in the course of performing a precept and the fast ceases entirely, he is permitted to eat thereafter at his own house, also, but before the feast he is forbidden to eat. The father of the son on the day of the circumcision, also the Sandek may eat also before the feast, inasmuch as to them it is similar to a Festival.

16. If one ate on a fast day without having been absolved, whether unwillingly or presumptuously, he is also obliged to complete the fast after the eating, and he must fast thereafter on Monday, Thursday and Monday as an atonement for having eaten on the fast day; especially if the fast was undertaken because of a vow it is requisite to complete it thereafter.

17. If an individual fasted because of his distress and it passed by, or if he fasted for one who was ill, and he became well or he died, he is required to complete the entire fast that he had taken upon himself. If one had taken upon himself to fast or to perform some other precept until his son would become Bar Mitzvah, and the son died before, he must fulfill his vow until the time his son would become Bar Mitzvah. But if he became aware that the reason for fasting had passed by before he undertook to fast, he is not required to complete it, for it was undertaken by a mere error.

18. Fasting and repentance are efficacious in nullifying the prognostication of an evil dream, and particularly on that very day. Nevertheless one is not obliged to fast, for Samuel said: "Dreams speak falsehoods." It devolves, however, upon him to repent and to spend that entire day in the study of the Torah and in prayer.

CHAPTER CXXVIII.

Laws Concerning the Month of Ellul.

1. The forty days from the New Moon of Ellul until after Atonement Day are days of good will, for although in the entire year does the Holy One, blessed be He, accept the repentance of those who turn unto Him with a perfect heart, nevertheless these days are more choice and appropriate for repentance, inasmuch as they are days of mercy. For in the month of Ellul, Moses ascended the Mountain of Sinai to receive the sacred tablets, tarried there forty days and descended on the tenth of Tishre which was then the conclusion of atonement. From that time on these days were sanctified as days of good will and the tenth day of Tishre as the day of Antoment. In most of the communities it is customary to fast on the day before the New Moon of Ellul and to perform the order of the Minor Day of Atonement in order to prepare their hearts for repentance. And if the New Moon occur on the Sabbath, the fast is held on the pre-

ceding Thursday. Rabbi Isaac, of blessed memory said: It is written, "And he who hath not lain in wait, but God hath made it occur in his hand, then I will make for thee" etc., the initials of the last few words spell "Elul;" to signify that this month is appropriate to accept repentance for the sins that one has committed the entire year. It also indicates that one should also repent during this month for sins committed unwittingly. The Bible commentators said again of the verse "And the Lord thy God will circumcise thy heart and the heart of thy seed," the initials of the last four words spell "Elul", also the initials of "I am for my beloved and my beloved is for me" spell "Elul", likewise the initials of "One to his neighbor and gifts to the needy" spell "Elul"; this is a hint for three things, i. e. Repentance, Prayer and Charity which should be practiced during this month. The first of the above cited verses indicates Repentance; the second verse indicates Prayers, for it is the song of love; the third verse indicates Charity.

2. It is customary to blow the Shofar during this month; it is begun on the second day of the New Moon of Elul and is continued daily after the morning service. We blow T'kiah, Sh'varim and T'ruah, excepting on the eve of Rosh Hashana, when it is interrupted, in order to make a distinction between the voluntary blowing and the blowing that is mandatory. The reason for blowing the Shofar in this month is to stir up the people to repent. For it is the tendency of the Shofar to stir up the hearts and to terrify, as it is written: "Shall a coronet be blown in a city, and the people not become afraid?" (Amos iii, 6). It is again customary in these countries to say from the second day of the New Moon of Elul until Sh'mini Azereth: "Of David, The Lord is my light and salvation" etc., every morning and evening after the respective prayers. This is in conformity with the Midrash: "The Lord is my light" on Rosh Hanashana, and "my salvation" on the Day of Atonement; "for He will hide me in His tent" (verse 5) is a hint of the Feast of Tabernacles. It is again customary to say the Psalms in public, all depending upon the custom of the locality. Beginning with the month of Elul until the Day of Atonement, when one writes a letter to his neighbor, he is requested to mention either at the beginning or at the end that he prays for him and blesses him that he should be deserving in those days to be written and sealed in the book of good life.

3. Active men are wont to examine during this month the t'philin and the mezuzoth; and wherever there is found a defect in any other precept, one should repair it.

4. Beginning with the Sabbath following the Ninth of Ab and henceforth for seven consecutive Sabbaths, seven *haftorahs* of comfort are read. If the first New Moon day of the month of Elul fall on a Saturday, we omit "O thou afflicted, tossed by the tempest" (Isa liv, 11), and we read as the *haftorah*: Thus hath said the Lord, the heaven is my throne" (Isaiah lxvi, 1), because this also contains comforts to Jerusalem. On the Sabbath, when the Section *Ki Tetze* is read, and as the *haftorah*, "Sing O barren one" (Is. liv) is read then we continue with "O thou afflicted, tossed by the tempest," which is next to it. If one erred and read "O thou afflicted, tossed by the tempest," on the Sabbath of the New Moon of Elul, then if he remembered the error before saying, the concluding benedictions, he should also say "Thus hath said the Lord, The heaven is my throne" (Isaiah lvi, 1); and if he remembered it after the concluding benedictions, he should read the latter *haftorah* without saying the benedic-

tions. If the New Moon of Ellul occur on a Sunday the *haftorah* of "To morrow is New Moon," is omitted, because it contains nothing about the consolation of Jerusalem, and as the *haftorah* "O thou afflicted one" is read.

5. From the Sunday preceding New Year and onwards daily all rise early and attend to the Propitiatory Prayers; if, however, the New Year occurs on Monday or Tuesday, they are begun from the Sunday of the preceding week. When rising early the hands should be washed and the benediction: "Concerning the washing of the hands," and the benedictions of the Torah should be said. After the Propitiatory Prayers the hands should be washed again without a benediction being pronounced.

6. The Reader intoning the Propitiatory Prayers should wear a *tallith;* and because it is doubtful whether one has to say a benediction when putting on his own *tallith* in the night time, he should therefore borrow a *tallith* from another and wrap himself therein before saying "Happy are they." He should not pronounce the blessing upon the *tallith.* If a *tallith* cannot be obtained the Propitiatory Prayers and the thirteen virtues may be said without wearing a *tallith.* It is proper that the one who intones the Propitiatory Prayers should also read the morning and afternoon prayers as well as the evening prayers of the preceding night, wherein he takes precedence over a mourner, a Mohel and a Jahrzeit. It is well to stand whilst saying the Propitiatory Prayers, and one who finds it difficult should stand at least whilst saying "God, King sitting" etc., and the thirteen attributes.

7. It is proper that the Reader who recites the Propitiatory Prayers and who conducts the services on the awe-inspiring days (Rosh Hashana and the Day of Atonement) should be a man of eminent respectability, greatly learned in the Torah and excelling in goodness, as good a man as can be found. He should be at least thirty years old, for then the blood of his youth has already stopped boiling and his heart has become humble, and he should be married and have children so that he make supplication with a full heart. He who blows the *Shofar* on *Rosh Hashana,* and he who prompts him should likewise be men learned in the Torah and God-fearing. Howbeit, every Israelite is eligible for every sacred office, if he but suits the congregation. If, however, one sees that his election will cause dissension, he should withdraw his candidature, even if an improper person will be chosen.

8. One who is in the twelve months of mourning for his father or his mother should not officiate as Reader on *Rosh Hashana* and Atonement Day, nor should he blow the *Shofar* on *Rosh Hashana* unless there be none else so suitable for the office as he is. If he be a mourner in the first thirty days for other relatives, if he is accustomed from long to officiate or to blow the *Shofar,* he is allowed to do it, since New Year and the Day of Atonement annul the thirty days, but if he is not accustomed and there is another man as suitable as he is, he should be stringent about it.

During the entire period in which Propitiatory Prayers are said, even on the day preceding Rosh Hashana, a mourner is permitted to act as Reader, but not during his seven days of mourning. *m*

9. One who says the Propitiatory Prayers privately is not allowed to say the thirteen attributes as a prayer and as a supplication, but as one who reads it in the Torah in the same air and with the same intonations. He should omit the passage wherein the thirteen attributes are mentioned, such as, "Remember for us this day the covenant of thirteen" and the like, as well as the entreaties in the Aramean language such as "The Lord of Heaven," should be said only amongst an assembly of ten.

10. A mourner, during the seven days of mourning, is forbidden to go from his house to the synagogue to say the Propitiatory Prayers excepting on the day preceding New Year, when many Propitiatory Prayers are said.

11. The one to officiate on the awe-inspiring days, as well as the one to blow the *shoffar*, should, three days before New Years, abstain from anything that may cause uncleanliness. They should study, according to their ability, the meaning of the prayers and the liturgic poetry, and the laws concerning the blowing of the *shofar*. They should likewise study books of instruction that tend to stir up the heart of man, that they fear the awe of the Lord and the glory of His greatness when He rise to judge the earth. If there be not found one to blow the *shofar* who is learned in the Torah, they should at least see to it that the one who prompts him should be a man learned in the Torah and versed in the laws concerning the blowing of the *shoffar*, so that in case an error be committed in blowing the *shoffar*, he should know what to do. He should also know how to examine the *shoffar* whether it be valid or not.

12. Many are accustomed to fast on the ten penitential days; but inasmuch as they lack four days on which there is no fasting, that is, the two days of New Year, Sabbath and the eve of Atonement Day, they therefore substitute four other fast-days during the days of Propitiatory Prayers before New Year to take their place, viz, the first day of Propitiatory Prayers, the day before New Year and two other intervening days, preferably Monday and Thursday. If a feast of the precepts occurred therein, one may partake thereof, and he can fast on another day in its stead. If he knows that there is going to be held a feast of the precepts, he shall fast in its stead the day before this. (Vide Chapter clvii, 3 and 14, infra).

13. It is customary to go, on the day before the New Year, after the morning prayer, to the cemetery and to prostrate upon the graves of the pious. Then alms is given to the poor and many supplications are made to stir up the holy pious to intercede for us on the day of judgment, also for the further reason that because it is the place where the pious are buried, it is a holy and a pure place and the prayer is more readily accepted it being said on holy ground. The Holy One, blessed be He, will show mercy for the sake of the righteous, but one should not aim to

implore the dead who rest there, for this would be almost included in "And he inquireth of the dead", but he should implore God, blessed be His name, to have mercy on him for the sake of the pious who rest in the dust. Upon arriving at the cemetery, if he had not seen graves within the past thirty days, he should say the benediction: "Who hath created you lawfully" etc. (Chapter lx, 11 supra). Approaching the grave, he should say: "May it be His will that the rest of (so and so) who is buried here, be peaceful, and may his merit defend me." When placing his hand on the grave, it is proper to place the left only and not the right and he should say the verse: "And the Lord will guide thee continually, and will satisfy thy soul in times of famine, and will strengthen thy bones; and thou shalt be like a well-watered garden, and like a spring of water, the water of which shall never deceive (Isaiah lviii, 11); mayest thou be in peace and sleep in peace until *M'nahem* (the comforter) come to announce peace." (And when placing his hand, he should think of the above verse, "And the Lord will guide thee" which contains fifteen words the same as the number of joints of the hands). It is not permissible to visit the same grave twice in one day. The reading of the inscription on a tomb-stone, if it is protruding causes forgetfulness; a remedy for that is to say, "With abounding love" up to " and to proclaim thy unity."

14. On the day before New Year it is a general custom to fast until after the Afternoon Service, at which time some food is partaken of in order not to inaugurate the Festival while fasting. The entire day should be spent in the study of the Torah, in performing precepts, and do repentance, especially of sins committed against a fellow being; one should not wait until the day before the Day of Atonement, but should ask his neighbor's forgiveness before then.

15. One should wash himself and cut his hair on the day preceding New Year in honor of the Festival. Care, however, should be taken to cut the hair before noon. The ceremony of immersion is then performed and the Sabbath garments are put on on New Year, to show that we are depending upon the mercy of the Holy One, blessed be His name, that He will bring forth our judgment as the light.

16. On the Eve of New Year it is customary to go through the ceremony of abolution of vows. One who does not understand it in the Holy Language should say it in the vernacular.

CHAPTER CXXIX.

Laws Concerning New Year.

1. In each *kaddish* that is said from New Year unto the Day of Atonement, the word *le'la* (He be high) is repeated, thus: *L'ela l'ela* (He be very high) (without adding a *Vav*, *ul'ela*). Since the kaddish

should contain twenty-five words, and the whole year we say *min ḳol* (above all blessings), now we say *miḳol* (in one word).

2. Some people are wont to pray on New Year and on the day of Atonement the entire *'amidah* with head bent down. But since it is essential to bow at the benediction, "The shield of Abraham" and at *Modim* (we give thanks), at the beginning and at the end, it is necessary that one stand up erect when reaching these places, so that he can bow where the sages(of blessed memory, ordered it done. It is likewise forbidden to bow either at the beginning or at the end of a benediction where the sages, of blessed memory, have not ordained. It is best to pray in an erect posture but with a humble heart and in tears. It is necessary to abolish the custom of praying the *'amidah* in a loud voice, for it is necessary to pray in silence as is done the whole year. Some authorities permit to raise the voice slightly, but not much. Care should be taken to be particular about reading the prayers, not to change even a vowel. One should obtain a well-revised Prayer Book out of which to pray.

3. In the entire year we say in the *'amidah*, "The holy God" and "who lovest righteousness and judgment", with the exception of that interval from New Year until after the day of Atonement when it is requisite to say "The holy king" and "The king of judgment," because on those days the Holy One, blessed be He, shows his kingdom in judging the world. If one erred and said, "The holy God," or if one is in doubt whether he said "Holy God" or "holy king", if he became aware of his error within as much time as is needed for an utterance, he should say "The holy king," and is not required to repeat from the beginning; this law applies also to "The king of judgment". If, however, he was not reminded thereof until after the time that it would be needed for an utterance, then at "The holy king" he is required to turn to the beginning of the *'amidah*, (even when only in doubt), because the first three benedictions are considered as one. Even a Reader during the repetition of the *amidah*, is required to turn to the beginning, and it is necessary to say the *ḳ'dushah* again; at "The king of judgment", however, even an individual need not turn back to repeat even that benediction. If during the year one had erred and said, "The king of judgment" or "Holy King", it is not necessary to repeat the *amidah*.

4. In the Evening Service of the Sabbath in the benediction embodying seven: "He was a shield" etc., "The Holy King" is said also in place of "The Holy God", and if the Reader erred and said "The Holy God", if he became aware of it immediately, within as much time as is needed for an utterance, he should turn back to say "The Holy King", but he need not turn back thereafter.

5. If one forgot to say "Remember us", or "Who is like unto thee", or "O inscribe", or "In the book of life", and was not reminded thereof until he said "Blessed art Thou, O Lord", since he had mentioned the Divine name, he concludes the benediction and continues the

Prayers, and he need not repeat. If one forgot to say, "Now therefore bestow thy awe", and concluded "Holy King", even if he had only said "Blessed art Thou O Lord", he concludes "Holy King", and says "Thou hast chosen us, and so on.

6. At the conclusion of the 'amidah, some conclude "who makest peace,"[1] and some do not change but say, "Who blessest His people Israel with peace", and only in kaddish do they say, "He who maketh the peace"[1].

7. If Rosh Hashonah occur on the Sabbath, there are some places where they say "O come, let us exalt", the same as on any other Sabbath; there are some places where they begin with "A Psalm of David" (Psalm xxix); and there are some places where they begin with "Psalm, A song for the Sabbath Day." Every place should abide by its customs.

8. After the Evening Service on the first night of New Year, it is customary for one to say, "Be thou inscribed for a happy year"[1], and to a female it is said in the feminine form, but this is not said during the day, because the sealing was finished in the forenoon. On the second night some are accustomed to say it, for sometimes they are judged on the second day.

9. In the feast made at night, it is customary to make the auguries of a good year; thus, a portion of the bread on which the benediction, "Who bringest forth" has been said is dipped in honey, and after the size of an olive is eaten, we say: "May it be thy will, O Lord, our God, to renew unto us a happy and pleasant year"; after this, a piece of sweet apple is dipped in honey, the blessing "Who createst the fruit of the tree" is said thereon, and after eating, we also say: "May it be thy will, O Lord, our God, to renew unto us a happy and pleasant year." It is also customary to eat the head of a living thing and say: "May it be thy will that we resemble the head and not the tail". It is preferable to partake of the head of a sheep which should also serve as a commemoration of the ram of Isaac. We also eat some vegetables the kind that is found in that particular country, and that are significant of good, e. g. carrots in our country, and we say: "May it be Thy will that our merits increase". One should also endeavor to partake of fish which is significant of fruitfulness and increase, but it should not be cooked in vinegar, as sour or bitter food is not partaken of on New Year. Rich meats and all kinds of confectionary should be partaken of. It is also customary not to partake of nuts and almonds because the numerical value of the word *egoz* (nut) is the same as that of *het* (sin), and they also increase the saliva which interferes with praying. It is proper to study the Torah while at the table; some make it a practice to study the Mishna, the treatise relating to the New Year.

10. It is proper not to cohabit during the two nights of *Rosh Hashonah* even when they occur on the Sabbath, but if it happen to be the night of immersion he should not neglect the duty of marriage, and in the morning he should cleanse himself from his uncleanliness.

11. On the New Year, when saying, "Our Father, our King, we have sinned before thee", one should not beat one's breast as on a weekday or as on the Day of Atonement. as one does not confess the sins on

the New Year, it being a Festival. He should then interpret it thus: "Our Father our King, we have sinned before thee", i. e., our fathers sinned before Thee because they worshipped idols, but as for us: "We have no other king but Thee" (therefore, "Our Father, our King, deal with us for the sake of Thy name").

12. When the Scrolls of the Law are taken out of the Holy Ark, it is customary to say the thirteen attributes and it is proper to begin with "And He passed," and say thus: "And the Lord passed on before him, and He called" etc. On a Festival which occurred on the Sabbath there are places where neither of the foregoing are said.

13. The sounds of the *shofar* should be, primarily as follows: the *T'ruah* is the blowing of nine short sounds, the *Sh'varim* should be blown thrice in succession, the sound of each should be as long as three short sounds of *T'ruah*, thus the *Sh'varim* also is equal to nine sounds; one should be careful not to prolong the blowing of the *Sh'varim* until each one equals nine sounds, for otherwise, the obligation is not fulfilled even post facto. The *T'kioth* are simple sounds. And in the order of *T'kiah, Sh'varim, T'ruah, T'kiah*, the sound of each *T'kiah* should be as long as the *Sh'varim* and the *T'ruah*, that is, as many as eighteen sounds. In the order of *T'kiah, Sh'varim, T'kiah*, each *T'kiah* should be as long as the *Sh'varim*, that is nine sounds, the same in the order of *T'kiah, T'ruah, T'kiah*. In the *T'kiah, T'ruah, T'kiah* preceding the Additional Service, the *Sh'varim* and the *T'ruah* should be sounded in one breath; the prompter should therefore announce at the same time together "*Sh'varim-T'ruah*. But in the *T'kiah* during the repetition of the *'amidah*, they should be sounded as in two breaths; nevertheless, one should not pause between them, but they should sound in immediate succession, and the prompter should likewise announce both of them at one time.

14. When the one who blows the *shofar* pronounces the benedictions, the congregation should not respond, "Blessed be He, and blessed be His name", but they should listen attentively and after each benediction devoutly respond Amen. From thence it is forbidden to permit any interruption until after the *T'kioth* during the repetition of the *'amidah*. Therefore the sexton should not announce: "Silence is suitable when praying", although he is accustomed to do so at other times.

15. It is the general custom to say between the Orders of Service "May it be thy will" etc., as is printed in the Holiday prayer books. Care should, however, be taken not to utter with the mouth the names of the Angels that are mentioned there. In many communities this prayer is not recited at all, and this is more proper. The principal thing, is to stir up the people to a full-hearted repentance, and as Maimonides, of blessed memory, had said: "Although the blowing of the *shofar* is a

Scriptural Law, yet there is a hint involved, saying, Awake ye that sleep from your sleep, and ye that slumber awake from your slumber, examine your deeds, repent and be mindful of your Creator, ye who forgot the truth because of the vanities of the time being, and err all their years with vanity and emptiness that can neither help nor save; look out for your souls, and improve your ways and your deeds; let everyone of you abandon his evil way and his thought which is not good."

16. At the repetition of the *'amidah* when the Reader says, "And we bow", it is customary that the congregation say it also with him, and they also bow and prostrate themselves, but they are not to fall on their faces except on the Day of Atonement where the order of the Temple service is read. The Reader also bows and prostrates himself, but he is forbidden to leave his place during the *'amidah;* it is therefore customary for the Reader to stand at a slight distance from the desk, in order that he may be able to bow and prostrate himself without leaving his place, and those who stand near him should assist him to rise, that he be not compelled to move his feet. The *T'kioth* during the repetition of *'amidah* should not be sounded by the Reader, unless he is confident that he will not become confused (in his prayers) thereby.

17. Concerning the *T'kioth* during the repetition of the *'amidah* different customs prevail, and every place should abide by its custom. Likewise concerning the *T'kioth* at the conclusion of the prayers there are prevailing different customs. After the conclusion of all the *T'kioth* blown according to the custom, it is essential to hide the *shofar* so that no more be blown. Even the one who desires to blow the *shofar* on the second day is not permitted to blow it on the first day for the purpose of practicing.

18. If a circumcision is to take place at the synagogue, it should be performed after the *haphtorah*, before the blowing of the *shofar*. If it be a Sabbath, the circumcision should take place after, "Happy are they" is said. If it is necessary that the circumcision should be performed at the house of the mother, it should take place after leaving the synagogue.

19. One who had fulfilled his obligation as regards the blowing of the *shofar*, and he needs to blow it for the sake of others, may also say the benediction. Nevertheless it is more proper that one requiring to fulfill this obligation should pronounce the benedictions. One who blows the *shofar* for the sake of women, if he has already fulfilled his obligation, he should not say the benediction, but a woman should recite them, for according to law women are exempt from blowing the *shofar*, it being a positive precept depending upon the time. Others say that one who had already fulfilled his obligation should not blow at all for women, and if he desired to do it, he should do it before hearing the *T'kioth* in the synagogue, and he should pronounce the benediction thereon with the intention of fulfilling his obligation thereby. This, however, should not be done in the first three hours of the day, as one should not, then, blow the *shofar*

privately. He should either blow the *shofar* for them at the time it is blown in the synagogue, or after the *T'ḳioth* in the synagogue, but he should bear in mind not to be exempted by these *T'ḳioth*, but only by those which he will blow for the women, and he should say a benediction thereon. Although he afterwards goes to the synagogue to say the prayers of the Additional Service, and to hear the *T'ḳioth* in the *'amidah*, the interruption does not oblige him to repeat the benediction, as all the *T'ḳioth* constitute one precept. A weak woman who cannot abstain from food until after the *T'ḳioth*, may eat before.

20. When leaving the synagogue it is proper to go with quiet decorum, and with a heart full of happy confidence that the Lord had mercifully heard the voice of their prayers and the sounds of the *shofar*. They should eat and drink according to the bounty of the Lord which he had bestowed upon them. Yet it is proper for one to guard oneself against eating to excess, and the fear of the Lord should be upon his countenance. It is also proper to study the Torah at the table. After Grace has been said, one should not go to sleep but should go to the synagogue and say Psalms with the congregation until the Afternoon Service, and only one who has a headache may sleep a little before going to the synagogue.

21. After the Afternon Service we go to a stream (to remind the merit of the *'aḳedah*, for it is stated in the Midrash that when our father Abraham had gone with his son Isaac to the *'aḳedah*, Satan transferred himself into a river in order to prevent him; then our father Abraham, may he rest in peace, crossed the river, and when the water reached to his neck he said, "Help O Lord, for the water has come to the very soul." There is another reason for that: because on this day we declare the Holy One, blessed be his name, as King, and it is the custom to anoint kings by a river to hint thereby that his kingdom may be prolonged). It is preferable that such river be outside of the city and should contain fish (as a reminder that we are likened to these living fishes who are caught in a net, so are we caught in the net of death and judgment, and thus we will meditate the more of repentance; another reason is that the evil eye has no affect on us, just as it has no effect on fishes, and that we be as fruitful and multiply as the fishes; others give it as the reason, that fishes have no eye-lashes and their eyes are always open, in order to draw the attention of the ever-open eye of above). If, however, a stream containing fish be not there, we may go to another river or to a well, and we say the verses, "Who is a God like unto Thee" etc., according to the order of the Tashlich as written in the Prayer Books. We then shake the end of our robes, and this is simply a hint for us to take it to heart and cast away our sins, and to examine and scrutinise our ways from to-day on, so that his clothes be white and pure from all sin. If the first day of *Rosh Hashonah* occur on a Sabbath, we go (to the river) on the second day.

22. After returning to the synagogue if the time for praying the Evening Service has not yet come, one should keep away from the company of friends so that he should not, god forbid, indulge into conversations of levity; but he should engage in the study of the Torah, recite the Psalms or read books of instruction, because this day is holy to our Lord.

23. The two days of Rosh Hashanah are considered like one day and are of the same degree of holiness, therefore the authorities differ as to whether the benediction: "Who hath kept us in life" should be said at the kiddush of the second night, or when lighting the candles, or when blowing the shofar on the second day. For some contend that since they are one continuous holiness, and one has already said: "Who hath kept us in life" on the first day, he need not say it again on the second day. Therefore it is customary that a new fruit is laid on the table in order that the benediction, "Who hath kept us in life" said in the Kiddush should also apply to the fruit, or one should put on a new garment. Yet if he have done none of these, it does not bar the fulfillment of his obligation, and the benediction "Who hath kept us in life" is said in the kiddush. A woman when lighting the candles on the second night, should likewise if possible, put on a new garment, or lay a new fruit on the table in order that the benediction "Who hath kept us in life" should apply also to these; yet if she have none of these, it does not bar the fulfilment of her obligation. The one who blows the shofar on the second day, should, if possible, put on a new garment; if, however, the first day falls on a Sabbath, this is not necessary, inasmuch as he did not, as yet, say the benediction "Who hath kept us in life" on the shofar.

CHAPTER CXXX.

Laws Concerning the Ten Days of Penitence.

1. The purpose of the Ten Days of Penitence is designated by its name, which indicates that they are devoted to repentance, and every man must then repent with a true repentance before the Holy One, blessed be His name, before the great and fearful day, the Day of Atonement come, as it is said: "Before the Lord shall ye be clean"; and it is said again: "Inquire ye the Lord when He is found", and the Rabbis, of blessed memory, said that this refers to the ten days between *Rosh Hashanah* and the Day of Atonement. Hence it devolves upon a man during these days to search into his deeds, and to turn away from all evil actions. For transgressions of which one is in doubt, more penitence is necessary than for that deed which one knows positively that it is a transgression, as one feels more regret if he knows that he had committed a transgression then if he does not know it; therefore the trespass offering of the one who is in doubt is dearer than the sin-offering. One should exceed in the study of the Torah, in the performance of the precepts, and in the distribution of charity and pay less attention to his affairs. R. Moses, of blessed memory, said that these days shall be considered as the Intermediate Days of a Festival during which only necessary work should be done. Above all, a man should make amends for all the wrongs that he had committed against his neighbor, for which there is no atonement unless he makes restitution of the thing stolen, or obtained by oppression, and he conciliates him until he forgives him.

2. It is proper for a man during these days to be more scrupulous than the entire year by rigidly adhering to the precept, for we also pray to God, blessed be His name, that He deal with us with loving kindness. And he who eats the whole year non-Jewish bread, should eat during those days only Jewish bread, and the like.

3. While saying Grace it is customary to say: "May the All-merciful renew" etc., as is done on *Rosh Hashanah*.

4. It is customary not to marry in these days.

5. On the Sabbath whereon the section "Return ye" is read for the *haftorah*, an eminent man should be called up as Maftir.

6. Some people are accustomed not to sanctify the moon before the conclusion of the Day of Atonement, for then they are joyful and before then they were sad. There are others who say that on the contrary it is preferable to sanctify it then in order to increase the merits; and all depends upon the time. In a place where citrons, palms and myrtles are obtainable, men of deeds purchase them during these days so that this precious precept be added to our merits.

CHAPTER CXXXI.

Laws Concerning the Day Preceding the Day of Atonement.

1. It is customary to perform the sacrificial ceremony on the day before the Day of Atonement during the morning watch, for then the mercy is prevalent. A cock is taken by a male and a hen by a female, and for a pregnant woman both a cock and a hen; a cock is taken perhaps the child is male, and if the child is female, one hen suffices for the mother and the child. Even in the case of other people two may take one sacrifice. It is preferable to choose white fowl, for it is written: "If your sins are as red as the scarlet thread they will become white as snow" (Is. i, 18). One should not, however, expressly go out with the intention of buying white and to purchase them at higher prices, because this resembles the customs of the Emorites, but if perchance he bought white among others, he should choose that one. Each one takes the sacrifice in his right hand and pronounces the verses: "Children of men," etc., and the fowl is turned around the head while saying: "This is my change," etc., three times. If one turns it around the head of another he should say: "This is thy change," etc. but he should first turn it around his own head and then around somebody else's. It is preferable that the slaughtering of the fowl should likewise take place in the morning watch. One should not imagine that the fowl atones for oneself, but should think that every thing that is done to that fowl should properly be done to oneself because of one's iniquities, and one should lament because of his sins, and the Holy One, blessed be He, in His mercy, will accept his repentance. It is customary to throw out the intestines, the liver and the kidneys of the sacrifices on the roof or in the court-yard, a place where the fowl may

fetch it from, because it is proper to take pity upon the creatures on that day, in order that pity be shown us from heaven; and for the further reason that fowl ate from stolen crops, so that a man should be mindful to keep away from robbery. If chickens cannot be obtained, a goose or some other living thing may be taken, which is not valid as a sacrifice. Some hold that even fish is suitable for this purpose, but neither turtle doves nor pigeons, because these are valid as sacrifices, and it would appear as if one sacrifices offerings outside of the Holy Land. Some are accustomed to give the redemption fowl to the poor, but it is more proper to redeem them with money and to give the money to the poor.

2. Neither "A Psalm of thanksgiving, nor the Propitiatory Prayers, nor "For the Chief Musician" (Psalm xxx) is said. "Our Father" etc. is likewise not said, excepting when the Day of Atonement falls on the Sabbath, then "Our Father" is said in the morning service on the day previous to the Atonement Day.

3. It is mandatory to feast sumptuously and to fare generously as it is accounted a virtue to him who eats and drinks on the day preceding the Atonement Day, just as if he had fasted on that day. It is mandatory to partake of fish in the first meal.

4. The Day of Atonement does not atone for transgressions one commits against one's neighbor, unless he conciliates his neighbor, for it is said: "For on this day he shall atone you of all your sins, you shall be cleaned before God", i. e., only sins against God shall be atoned on the Day of Atonement, but crimes committed against a neighbor, the Day of Atonement does not atone for, unless he conciliates him. One should therefore be very particular to return to others that which he may unlawfully have belonging to them and conciliate them. If one has money, his right to which is in doubt, he should notify his neighbor that immediately after Atonement Day he desires to appear with him before a tribunal according to the edicts of our holy Torah, and he should in all sincerity be resolved to be guided by the verdict rendered by such tribunal. If one sinned against his neighbor only with words, he is also obliged to conciliate him, and it is his duty to go personally and conciliate him. If, however, that is a difficult thing for him to do, or if he understands that he will more easily be reconciled through another, he should conciliate through another. The one whose forgiveness is sought should forgive with a perfect heart and not be cruel, for such is not the characteristic of an Israelite, but that of Esau, for concerning him is written: "And his anger is kept for ever." It is also said concerning the Gibeonites because they did not forgive and would not become conciliated: "And the Gibeonites are not from the children of Israel". But it is customary for the seed of Israel to be slow of anger and easily appeased, and when the sinners ask for forgiveness he should do so whole heartedly and with a willing soul. Even if he has been grievously wronged, he should not seek vengeance, nor bear a grudge against the other. On the contrary, if the offender does not arouse himself to come unto him to sue for forgiveness, the offended one should pre-

sent himself to the offender in order that the latter may beg his pardon. If one does not let his enmity pass away, his prayers are not heard on Atonement Day, Heaven forfend, and one who is magnanimous and forgives, has all his own sins forgiven.

5. If the one whom he had offended had died, he should bring ten men and assemble round his grave, and say: "I have sinned unto the God of Israel and to this man (so and so) have I sinned," to which they should respond: "Thou art forgiven," three times; he should walk barefoot and also describe minutely the offence if it is not a disgrace for the dead. If the grave is beyond three leagues from the place where the offender resides, he does not need to go there himslf, but he may send another who should take ten men with him to assemble round the grave, and say: "I, the agent of this one (so and so), publicly admit that he sent me to beg forgiveness for his sin, etc." If one had vilified another after his death, he is not required to go on his grave, but he should beg his forgiveness in the place where he vilified him. If, however, he libelled him, he is required to take upon himself to do penance for having transgressed the ordinance of the ancients, not to utter a libel against the dead.

6. It is a religious duty of every man to bathe for purification on the day preceding the Day of Atonement, to cleanse himself from a nocturnal pollution, and also because of the repentance, just as a convert is required to bathe for purification. Therefore even young men and virgins require to take the bath of purification. And one should be particular to see to it that there be no interposition when taking the bath. The most appropriate time for the bath of purification is after midday. A woman after intercourse is apt to discharge the semen virile within three days after that, and she is then considered as the one who had a nocturnal pollution, but the mere taking of a bath of purification does not suffice for her. In such event she should first wash herself with warm water before taking the bath, so that she should not discharge any more. If, however, she had intercourse right after her ritual bath of immersion, or right before her period of menstruation when she generally becomes conceived, then she is not allowed to destroy the semen virile of conception, and therefore she is not permitted to wash in warm water. She should, however, bathe in cold water. A mourner, even during the first seven days of mourning, may wash and bathe about one or two hours before dark, even if it is before the Afternoon Service. He must, however, observe all the other laws concerning mourners, e. g., to sit on the ground, and not putting on shoes, till night time.

7. It is customary for every master of the house to have one candle made for his house, because on the Day of Atonement Moses came down with the second tablet and the Torah is called "light." Another candle is made for the souls of his father and his mother who died to make atonement for them. It is customary to light one in the house which should burn till

the evening so that it can be used as the *habdalah* light. One candle is lit at the synagogue. These candles should not be made out of wax taken from the houses of idol worship. Since there are some people who are worried if their candle happened to quench during the Day of Atonement, although in reality there is no cause for apprehension whatsoever, it is best to avoid it. He should therefore give the candle to the sexton who should place it wherever he sees fit, and the person should not know the place where his candle is found at all. It is proper to take the candle to the synagogue when going to the Afternoon Service to be put in its proper place, to be lit afterwards because when they come to Synagogue after that for the Evening Service they are pressed for time.

8. It is customary to put on Sabbath garments when going to synagogue to pray the Afternoon Service. At the Afternoon Service after the *'amidah* we say the Confession, i. e., before saying: "O, my God" etc., we say: "Let the words of my mouth" etc., and then begin; "Our God and God of our fathers, let our prayers come before Thee," up to "And sore diseases," when the verse, "Let the words of my mouth" is repeated. If while saying Confession the Reader repeats the *'amidah*, since he already said the verse "Let the words of my mouth," he may respond Amen, say *k'dushah* and *modim*, (we give thanks).

9. The "Confession" should be said standing and in a bowed attitude as when saying, "We give thanks." When he mentions the sin he should beat his breast as if to say: "You were the cause of my sins." The confession should be said by all alike according to the version printed in the prayer-books; one, however, who is conscious of a sin he had committed which is not mentioned in the "Confession," inasmuch as he says the "Confession" inaudibly, should properly mention that sin, and acknowledge his guilt thereof with bitterness of heart, and with abundant tears. If that sin is one that is mentioned in the "Confession", he should, when coming to it, groan deeply over it. The sins that one had acknowledged in the foregoing Atonement Day, although he is conscious that since then he was not guilty of them, nevertheless, he should repeat his acknowledgment thereof; and this is praiseworthy, for it is written, "And my sin is always before me."

10. On conclusion of the Afternoon Service, "Our Father, our King" is not said, and it matters not whether the Atonement Day occurs on a week-day or whether it falls on a Sabbath.

11. After the Afternoon Service it is customary to receive corporal punishment. And although this is not the true corporal punishment as given with stripes, nevertheless through this one will become mindful to repent of the sins committed. It is proper to take for that purpose a strap of calf leather, although it is not a hand breadth wide. The one receiving the stripes should bend, leaning on his knees, with his face turning towards

the North. It is customary to say 'Confession" while being beaten. The one who gives the corporal punishment says the verse: "And He, being merciful" etc., which contains thirty-nine words, indicative of thirty-nine stripes.

12. Towards evening the final meal is partaken of, and it is customary to dip the piece of bread on which the blessing "who bringest forth" had been pronounced in honey as on New Year. One should eat no food, but that which is easy to digest, such as the flesh of fowls. It is customary that fish is not partaken of at this meal. One should neither eat nor drink any food or drink that warms, such as victuals in which spices and saffron are mingled. It is requisite for one to be exceedingly careful to add from the profane to the sacred, that is, he should conclude the meal while it is yet day, a short time before twilight. The zealous hasten to end their meal at about an hour before nightfall. One who had finished his repast while the day is yet long and he intends to eat and drink thereafter is required to make that provision before Grace after the meal, and he should say explicitly, or at least bear it in mind that he does not yet inaugurate the fast.

13. It is the custom in these countries not to conceal any food on the day previous to the Day of Atonement to be used at the conclusion of Atonement Day, as is done on Friday for the Sabbath, because it is equivalent to the preparing of food on the Day of Atonement for a week day, and also for the further reason that it has the appearance of voracity.

14. It is written, "To the holiness of God it is honored", and it is explained that this refers to the Atonement Day on which there is neither eating or drinking. It is mandatory to honor the Holy Day with clean apparel and with lights; hence, in the synagogue also beautiful covers are spread and many lamps are lit, which are called honor, for it is written, "Baurim honor ye the Lord" (Is. lxlv, 15), and the Targum renders it: "With lights honor ye." Before twilight the table-cloths are spread upon the tables and the lamps are lit as on a Sabbath-eve. It is proper also to light candles in the bed-room, and the benediction, "To kindle the light of the Day of Atonement" is said upon those lights. If it occurred on Sabbath one says the benediction "To kindle the light of the Sabbath and the Day of Atonement".

15. It is customary to wear a *kittel*, which is the garment of the dead, as through that the heart of man is humbled and broken. A mourner may also wear it. Inasmuch as it is a garment made for the special purpose of praying therein, one should remove it before entering a lavatory. Women also wear white clean dresses in honor of the day, but they should not adorn themselves with ornaments, because of the awe for the judgment.

16. It is the custom for the father and the mother to bless their children before going to the synagogue, because the holiness of the day has become effective and the gates of mercy are already open. They

pray in this blessing that they should be sealed for good life and that their hearts be firm in the fear of God. They make supplication by weeping and by shedding tears that their prayers be accepted, and also the children are stirred up to the determination to walk in the way of the good and to observe the path of the pious. Some are accustomed to go to their relatives who are learned in the Torah and are righteous so that the latter may bless them, and they also request them to pray for them on the holy and fearful day. It is proper to do this while the day has not yet far advanced, for towards evening it is proper that they should be ready to receive the holiness of the day in a quiet and peaceful mind. The version of the blessing is, "May He Bless thee" etc., "May God make thee like Ephraim" etc., and then everybody may add in accordance with his gifted eloquence. It is preferable to say this prayer: "May it be the will of our Father in heaven that he put in thy heart His love and His fear, and may the fear of the Lord be always in your presence so that thou sinnest not, and mayest thou long for the Torah and the precepts; let thy mouth speak wisdom and thy heart meditate fear; let thy hands be engaged in the performance of precepts; let thy feet run to execute the will of thy Father in heaven; may he grant thee righteous sons and daughters who shall be engaged in the study of the Torah and in performing precepts all their lives; may thy fountain be blessed; may He grant thy livelihood to be legitimate, with satisfaction, and with affluence that it come from His wide hand and not by the gift of a mortal; an occupation which should allow thee to serve God; and mayest thou be written down and sealed for a good and long life among all the righteous men in Israel, Amen."

17. It is customary to put on the tallith. One should be careful to put it on while it is yet day, and say a benediction thereon. If, however, he delayed in putting it on until twilight he should not say a benediction thereon.

CHAPTER CXXXII.

The Order of the Eve of Atonement

1. It is the custom in our countries that previous to saying, "All vows" etc., the most venerable of the congregation takes the Scrolls of the Law from the Holy Ark and walks therewith round the Reader's platform, whilst the people embrace and press their lips reverently to the Sacred Scroll and plead for pardon and forgiveness for having been lax in honoring the Torah. They should resolve that henceforth they will be guided by it. The verse, "Light is sown for the righteous" etc. (Psalms xcvll, 11) is repeated many times; then two respected men of the congregation stand near the Reader, at his right and at his left, and the three say: "By the authority of the Court on High" etc., then the Reader says, "All Vows" thrice while chanting the known melody, and all should say it in an undertone together with the Reader. It is proper to begin saying, "All vows" etc., while it is yet day, and continue it until night. After the Reader said, "Bless ye" and the congregation responded, "Blessed be" etc., the scroll is returned to the Holy Ark and the people return to their respective places. On Sabbath they may return to their places at the beginning of, "A Psalm, a Song for the Sabbath Day".

2. When the Reader says the benediction "Who hast kept us in life," it should be his object to exempt the congregation from saying it. Nevertheless, it is proper for the listener to bear in mind that he is not exempted by the Reader's benediction, but he should himself say the benediction in an undertone, and should hasten to conclude it before the Reader, so that he may respond Amen, but the women who have already said the benediction "Who hast kept us in life" when lighting the candles, or, likewise, if a man lit the candles and said, "Who hast kept us in life", then they should not repeat same.

3. On the Day of Atonement, both in the evening and in the daytime, "Blessed be His name, whose glorious kingdom is forever and ever" should be said in a loud voice.

4. Some people stand on their feet during the Evening Service and also the whole day. If they are weakened they may lean against something. The reason for standing is to make them resemble the angels, therefore women should not stand. He who stood once with the intention of doing so all his lifetime, if he thereafter desires to retract, he needs absolution.

5. Some are accustomed to stay over night in the synagogue, and to say praises all night. When they desire to sleep they should do so far away from the Holy Ark. The Readers should not be awake, as they may weaken their voices thereby. Before going to sleep, one should say the first four Psalms which are a remedy against a nocturnal pollution, for these Psalms contain three hundred and six words adding thereto the number of the Psalms, making it a total of three hundred and ten, similar to the numerical value of the word *ḳeri* (nocturnal pollution). The beginning and the end of the Psalms amounts to one hundred and twenty six, and the four Psalms together with total amounts to one hundred and thirty-one, similar to the numerical value of Samael, and one should bear in mind to rid himself of him. It is best not to wrap oneself in pillows and blankets that heat the body, and by no means should one cover his feet.

CHAPTER CXXXIII.

Laws Concerning the Day of Atonement.

1. On the Day of Atonement, eating, drinking, bathing, anointing, wearing boots and cohabitation is forbidden. It is likewise forbidden to do any work, or to carry from place to place, as on a Sabbath. Inasmuch as it is necessary to add from the profane to the sacred, all of the foregoing are forbidden while it is yet day, a short time before twilight, likewise on the conclusion of the Day of Atonement until a short time after the apearance of the stars.

2. Some permit and some forbid to touch either food or liquids when necessary to be served to minors. If possible it is proper to be careful.

3. For the prohibition of bathing see Chapter cxxlv, 7-9. Also on the Day of Atonement only bathing for pleasure is forbidden. One should be very careful not to bathe more than actually necessary. One

need not wash his hands for the Afternoon Service nor for the closing Service, for since he is the entire day at the synagogue engaged in prayer he keeps his hands clean.

4. The Priests who go up to say the benediction are permitted, nay, required to wash their hands up to the arm. If they washed their fingers only in the morning, although they then said the benediction "Concerning the washing of the hands", nevertheless since such washing, is not valid for the priestly blessing unless they now wash up to the arm, they are required to say the benediction again. It is best for them to wash their hands in the morning up to the arm, so that they should not be required to say the benediction again.

5. One who is ill, even not dangerously, may wash in the usual manner. A bride within thirty days of her wedding may wash her face so that she becomes not repulsive to her husband.

6. The one who had a nocturnal pollution, God forbid, on the Day of Atonement, should wipe it off with a cloth if it is still wet, but if it is already dry he should wash only the filthy places, for it is considered in law as excrement. He should not wipe it with a cloth so that he wring it not out by mistake. He is not allowed to immerse himself although he is accustomed to do it the other days of the year. He should reveal his incident to one versed in Talmudic lore and tell what happened to him on this holy and fearful day, and he will be instructed what to do so that it be forgiven him, and his days be prolonged.

7. Anointing is forbidden even if only to remove dirt, even on some part of the body, but one who is ill, even not dangerously may anoint in the usual manner. In our countries where it is not customary to anoint oneself on week days, the one who has scabs is not allowed to anoint himself for it is then evident that it is for a cure.

8. The wearing of boots even if made of wood not covered with leather is forbidden, but it is permissible to wear them if they are made of cloth. If, however, it is very distressing for one to go in a muddy, clayey or wet place and it is impossible for one to go there unshod, boots or slippers may be worn providing they have no heels and if they have heels he should change them around, the right one on the left foot, and the left one on the right foot. But they must be removed at the door of the synagogue, care being taken that the hands do not touch them either when putting them on or when taking them off, so that one be not required to wash the hands.

9. It is permitted to stand on coverings or spreads, even if they

are made of leather, but during the *'amidah* one may not stand on anything. One who has a cold may stand on some grass.

10. One who is in any wise indisposed, although not in danger, or one who has a bruise upon the foot, or a woman within thirty days after her confinement, may wear boots.

11. One is forbidden to caress his wife, even in the daytime, but he should consider her as though menstrually unclean the entire Atonement Day.

12. Pregnant and suckling women fast until the conclusion like other people. A suckling woman whose infant is dangerously ill, and will not suckle from anyone but her, and if she should fast, it will jeopardize the child's life, she should not fast.

13. If a pregnant woman was affected by the odour of a certain edible and desired it, and it is certain that unless she partakes thereof she and the child may be in danger, therefore, if she said, "I must eat," even though her face did not undergo a change, or if it is noticeable that her face had undergone a change, although she did not say anything, she is quietly told it is Atonement Day, which has often the effect of allaying her desire. If, however, her mind is not soothed thereby, she is fed in the following manner: At first she is given just a taste, thus, the finger is dipped in the soup or the like, and applied to her mouth, for one drop will often tend to allay her desire. If, however, this is ineffectual, she is given less than the required quantity, but if her mind is not yet calmed thereby, she is given as much as she requires. This applies as well to any man who was affected by the smell of food and his face had undergone a change, he is in danger and is treated as described above, but as long as his face had not undergone a change he is not fed, although he says, "I must eat."

14. A woman in confinement, likewise one who is dangerously ill, are governed, concerning the profanation of Atonement Day by eating and drinking, by the same laws that govern Sabbath-profanation. But in the matter of eating and drinking, even if many doctors say he or she does not require it, nay more, even if they say that the eating or drinking will prove injurious to him, while the sick person says he does require it, and even if he says that he is not in danger as yet, but if he will not eat he will become worse and be in danger, he should be heeded and food should be given him, for in the matter of eating and drinking his judgment concerning himself is more reliable, as the sufferer is the best judge of his position.

15. When food is given to a woman in pregnancy or in confinement, or to a sick person, it is placed before them, and they are told as follows: "If you are sure that you may possibly be in danger unless you eat as

much as you require, you may eat ordinarily until you feel satisfied. If, however, it is possible for you to eat less than the required quantity at one time, then act as follows: Eat at one time no more than the quantity of two-thirds of an egg (for the limit of eating for which one incurs the punishment of being cast off from his people is a little less than a middle-sized egg without the shell), and rest somewhat, then eat the same quantity again, rest at least as long as it takes to eat a slice of bread between each time of eating." Thus he may eat even many times provided there be no meals had within the above prescribed limit. When drinking one should take less than a mouthful at one time and rest before drinking again. Between each drink there should be at least an interval as long as it takes to eat a slice of bread or drink a little less than a mouthful, wait a while, then drink again.

16. One who was overcome by hunger in such a manner that his eyes grew dim so that he could not see, is fed until his eyes regain their lustre.

17. One who is fed on account of being in danger may in the lack of permitted food, be given forbidden food, but in such event he should be given less than the size of an olive at a time, if otherwise it is not sufficient for him.

18. If his mind is composed, he should say a benediction both before and after eating, but he should not say the *ḳiddush*. In the Grace after the meal he should say, "May it come up," and if it occurs on the Sabbath he should also say, "Accept". If he omitted it, he is not required to repeat the Grace, for he is not compelled to eat bread on this day.

19. A child less than nine years old should not be permitted to fast, even when they want to fast only a part of the day, in order that they should not risk their health. But as soon as they are fully nine years old and in good health, they are trained to fast a little, thus, they should not eat until several hours later than they are accustomed to eat. In abstaining from wearing boots, bathing and anointing they should be trained even before the age of nine years.

20. It is advisable to smell spices several times during the day in order to complete the count of one hundred benedictions, but as long as his mind was not diverted from the previous smelling, he is not permitted to say the benediction again, because it amounts to a benediction uttered in vain. It is therefore necessary that he permits a long interval between one smelling and the other, so that there be a diversion of mind in the meantime. It is best that he smells different spices each time although they are of the same kind, and especially does this apply to a case where he has

three different kinds, such as, wood spices, herb spices and a mixture of spices. If one is attentive to the benedictions uttered by the Reader and to those who are called up to the Torah and to the *maftir*, he will then be short only of three benedictions to complete the necessary one hundred, and he can complete it with the benedictions over the spices.

21. On the Day of Atonement memorial prayers for the dead are read, because the reminding of the dead breaks a man's heart and humiliates him: for the further reason because the dead too need an atonement, as it is stated in the Sifri: "Atone for thy people Israel" refers to the living; "whom Thou hast redeemed" refers to the dead; from this it may be inferred that the dead need an atonement. Offerings of charity are made for their souls (see Chapter lxvii, 37 where it is preferable to add "without vow"). There is a support for this view: At the end of Section *Tezaveh* is written: "Once a year he shall atone;" and immediately after it is stated: "And each man shall give a redemption for his soul to the Lord." Charity is helpful for the dead because the Lord investigates the heart and He knows that if this man had been alive he too would have given charity. The living are able to make lighter the judgment of the dead, as David had prayer for Absalom (Sotah 10b), and the pious dead plead for their offspring. Memorial prayers are also read on the last day of Passover, on the second day of Pentecost, and on the eighth day of Tabernacles, because on these days the section, "All the first born" etc., is read, where it is stated: "Everyone according to the gift of his hand." For this reason pledges are made for charitable purposes, and since pledges for alms are made, they made it a custom also to give charity for the souls of the departed, that the Lord may remember them for goodness, and through their merits also remember us for goodness. It is customary for those whose father and mother are alive to leave the synagogue while the memorial prayers are said. It is also customary for one whose father or mother had died within that year to likewise leave the synagogue.

22. If there is an infant to be circumcised, it should be performed before "Happy are they" is said, and the benedictions of the circumcision are said without a cup of wine. In our countries it is customary that a benediction is said upon a cup of wine and some of it is given to the circumcised infant, besides what is given him when "In thy blood thou shalt live" is said, but none of it should be given to another child. One who was used to sprinkle wine when extracting the blood should not sprinkle it with his mouth but with his hand, he then extracts the blood with his mouth as usual.

23. It is the custom to spread out grass in the synagogue, and the reason therefor is that it is customary to bow and prostrate oneself when reading the order of the service in the Temple, and in a place where the ground is covered with stones it is forbidden to bow, and even in a place which is not covered there is a slight prohibition, therefore grass is spread to make a separation between the soil and himself; and if there is no grass he may make the separation with his talith or with something else.

24. The time for the Conclusion Service is when the sun is seen above the tree-tops, in order that it may be concluded at the appearance of stars; at times it is prolonged even into the night, even then "Seal us"

should be said. If the stars appeared the Reader should not say the stanza: "The day is nearly past", for he would appear as telling a falsehood, but he should say, "The day has passed, the sun has set and is gone." But the Reader says the Priestly benediction and "Bestow peace" even if it is night.

25. It is proper to abolish the custom that a non-Jew light candles for the purpose of saying the liturgic poetry on the Concluding Service, but he should scatter the burning candles throughout the entire synagogue, because this constitutes merely a slight disturbance of the Holiday rest.

26. After the Concluding Prayer is over, "Our Father, our King" is said, even if it is a Sabbath Day and still day when the concluding service is ended, then "Hear O Israel" is said once, "Blessed be the name of His glorious kingdom for ever and ever," three times, and "The Lord He is God," seven times, the Reader then says the entire *kaddish* in a joyful tone, after which the *shofar* is sounded once, and this is an indication of the Divine Presence departing on high, as was the case when the Law was given and the Divine Presence ascended, it is said: "When the horn sounded long;" and it is said again: "God ascended with the sound of the *shofar*," and again it commemorates the blowing of the shofar on the Atonement Day on the Jubilee. It may be sounded even though the stars have not yet made their appearance and it is but twilight, even if it is a Sabbath Day, but it should not be sounded in the daytime. After it is sounded, all say thrice "For the ensuing year in Jerusalem."

27. After the appearance of the stars, the Evening Service is held, and it is proper to delegate a respectable Reader. The prayers should be said slowly and with attention, and it is proper to rebuke those who pray hurriedly; and "Thou hast bestowed upon us" is said in the *'amidah*. If it had occurred on a Sabbath, "And God give thee" is said, but "May the pleasantness of God" and "And thou art holy" are not said. After the prayers the moon is sanctified and friendly greetings are then exchanged with rejoicing and a merry heart, as on a Festival.

28. When saying the *habdallah* on the conclusion of Atonement Day it is requisite to say the benediction only on a light that was kindled before Atonement Day, and not upon a light that is now produced by means of a match and the like, nor with what was lit by them; the best way is to light a candle by the light of a candle that had been lit in the house the day before, and say a benediction upon both, and if there is no light in the house one should bring a burning candle lit by the candle of a non-Jew, or by the light of a match and the like. The *habdallah* is not begun with the words, "Behold the God of my salvation," but the benedictions are said upon the goblet (of wine), and upon the candle, and "who hast made a distinction" is said; no blessing is pronounced upon the spices; if, however, it was Sabbath, then a blessing on the spices should be said, and *habdallah* is also begun with "Behold the God of my salvation" as on conclusion of an ordinary Sabbath.

29. On the conclusion of Atonement Day, there is eating, drinking and rejoicing, for it is stated in the Midrash: On the conclusion of the Atonement Day a heavenly voice goes out and says: "Go, eat thy bread with joy and drink with a merry heart thy wine, for God has already accepted thy deeds favorably."

30. They who are particular about performing precepts begin, immediately upon the conclusion of the Atonement Day, the erection of a *Succah*, to fulfill: "They walk from strength to strength."

31. On the day after Atonement Day it is customary to rise early to go to the synagogue, and on the days between the Day of Atonement and Tabernacles none should fast, not even the fast of a Jahrzeit, nor are the Propitiatory Prayers said therein because they are days of rejoicing when the altar was dedicated in the days of Solomon. We also are engaged in the precept of erecting a *Succah*, preparing the citron and the other necessary kinds, in honor of the Lord of lords, who sanctified Israel and the seasons.

CHAPTER CXXX IV.

Laws Concerning the Succah.

1. It is mandatory to erect the *Succah* immediately upon the close of Atonement Day, even if it is a Friday, because the opportunity of performing a precept should not be delayed. A clean place should be chosen for its site. Each one is commanded to personally attend to the making of the *Succah* and the laying of the covering, even if one is an eminent man it is an honor to him to personally attend to the fulfillment of a precept. By right the benediction, "Who kept us in life" should be said upon erecting the *Succah*, but we depend upon the benediction said in the *kiddush*. One should do his best to embellish the *Succah* and to adorn it by placing therein fine furniture and beautiful coverings according to his means.

2. With regards to the walls of the *Succah* there are many diverse opinions, in which not everybody is versed. Therefore it is essential that the walls of the *Succah* be whole and strong in order that they be not shaken by the wind, also for the further reason that the wind should not extinguish the candles. One who has not enough boards for walls had best make three complete walls, rather than four incomplete ones. It is mandatory upon the one who can afford it, to have a *Succah* built with a roof that can open and close on hinges, which is closed in case of rain and opened when the rain is over, the cover is thus kept dry, and the precept can be fulfilled properly.

3. About the covering of the *Succah* there are also many different opinions, and since we cover it with the branches of trees, or with reeds, which are a production of the soil, and severed therefrom, and not subject to defilement, and not tied together there is not the slightest cause for apprehension.

4. It is primarily proper that one should be scrupulous not to lay upon the *Succah* anything that is subject to defilement as a support for the covering; e. g., ladders of which the rungs are subject to defilement, and especially other utensils, such as a hatchet and a shovel. One should scrupulously abstain from even putting them upon the covering to secure it. If however, it was put there, or if one has nothing else, it is permitted, for we have an established tradition that it is permissible to keep the covering firm with something that is subject to defilement.

5. It is requisite to put enough of a covering to make the *Succah* more shady than sunny, for if it is more sunny than shady, it is not valid. It is therefore necessary to put on so much of the covering, that even if it will dry up, there will still be more shadow. It is also essential to be careful not to leave an open space of three hand-breadths in one place. It is primarily necessary to leave open spaces between the covering in order that the stars may be visible, nevertheless if it was so thickly covered that the stars were not visible, it is valid. If, however, it was so thickly covered that even if there be a heavy rainfall it would not enter therein, it is thus like a house and not valid.

6. In the *Succoth* that are built sometimes the boards project above the walls, and upon them are laid the poles on which the covering is placed. If the board is not four cubits wide it does not invalidate the *Succah*, for it is a Sinaitic law that whatever is less then four cubits wide is considered as a part of a curved wall, i. e., it is considered as a part of the wall and as if the wall curved upwards, but one should neither sit nor sleep under the board, as the law does not recognize that space as a *Succah*, even if it is only four hand-breadths wide, but the rest of the Succah is valid. If, however, boards that are four or more cubits wide lay near the wall they are called unlawful coverings and they invalidate the entire *Succah*. But if this is the case only on one side, as is done in some of the built *Sucocth*, when they make a small ceiling on one side (where the dishes are put away) this does not matter, since it is only on one side and there yet remain three valid partitions upon which there is a valid covering, and a *Succah* made of but three walls is also valid providing there is the requisite space for a *Succah*, which is at least seven hand-breadths square, but they should not sit under the boards.

7. A *Succah* that is made under the branches of a tree is not valid, and even if the branches cause it to have more sunshine than shadow, and one made the *Succah* complete by means of the extra covering that be put on it, it is nevertheless invalid. Even if the branches of the tree are afterwards cut off, the *Succah* nevertheless continues to be invalid, for it is written: "The Festival of Tabernacles shalt thou make for thyself," and it is explained you must make it, but not when it is already made. Therefore after he cut the branches it is necessary to raise each branch of the cover-

ing and to lay it down again expressly for the sake of the *Succah*, which is then valid. It is likewise forbidden to lay the covering before the walls are made, as it is essential that the laying of the covering make the *Succah* valid.

8. When a *Succah* is made by raising the roof, it should be raised before the covering is laid, and if after that he closes the roof and then opens it again, it matters not, for it is the same as if he had a sheet spread over it, but it is best to have it open at the beginning of the Festival. In such a *Succah* it is also necessary to take care that the roof should be wide open and standing in line with the wall of the *Succah*, for if it is not perpendicular, but inclines slightly on the covering, even in such a degree as not to invalidate the *Succah*, it is nevertheless necessary to be careful not to sit in that place where the roof slopes, as one thus sits under the roof. Although a *Succah* made for the Festival is exempt from a *m'zuzah* during that period, but a *Succah* that is built and made use of during the entire year and consequently has a *m'zuzah*, is not exempted therefrom during the Festival, and it is not necessary after the Festival to fasten the *m'zuzah* anew.

9. One may fulfil his obligation with a borrowed Succah, but not with a stolen one, hence, it is forbidden to make a Succah on the public domain; in an emergency, however, when one has no other Succah, he may sit therein and say a benediction thereon.

10. Care should be taken that the Israelite should not cut the covering for his Succah himself, but should purchase it from another; if unable to do so he may procure it himself, by obtaining permission from the owner of the soil.

11. It is permissible to make a *Succah* during the Intermediate days of the Festival.

12. It is forbidden to benefit by the wood of the *Succah*, either of the walls or of the covering until after the Day of the rejoicing of the Law, inasmuch as they were set apart for the performance of a precept it is forbidden to take even a splinter therefrom to pick his teeth therewith, even if they fell down they are unconditionally forbidden, and if the Day of the Rejoicing of the Law occurred on the day preceding the Sabbath, it is forbidden also on the Sabbath. It is also forbidden to benefit by the ornaments of a *Succah*, even if they fell down, and inasmuch as it is forbidden to benefit by them, it is likewise forbidden to handle them on a Sabbath and on a Festival because they were not counted upon use. It is nevertheless permitted to inhale the fragrance of a citron that is hung up in a *Succah* as an ornament, as it is not set apart as far as smelling is concerned. Even if a provision was made to benefit by the ornaments suspended from the covering, it is the practice not to use them, but the ornaments on the walls may be used when a condition to that effect is made. Painted tapestries that are hung up in the *Succah* for ornament; it is customary to remove them when it is feared they may be spoiled by rain; even if one did not make an express provision therefor, as it is presumed that it was hung upon that condition. Nevertheless it is best to make a condition expressly, i. e., he should say: "I make it a condition that I should be al-

lowed to eat and to use this ornament of the *Succah* whenever I so desire." Those ornaments of a *Succah* which it is one's purpose to remove during the Festival, one should be careful not to tie with a knot, but merely with a loop.

13. When taking the *Succah* apart after the Festival one should not tread upon the boards nor make a degrading use of them, because they were used for a precept, like fringes.

14. It is forbidden to engrave or write any verse of the Torah upon an ornament of the *Succah* because it might subsequently be degraded, and again it is forbidden to write a verse when not needed.

15. On the day before *Succoth*, in the afternoon, one should not partake of bread so that he should eat with relish in the *Succah*. It is proper to dispense much charity on the day before *Succoth*.

CHAPTER CXXXV.

The Law Concerning the Abiding in the Succah.

1. It is written, "Basuccoth Teshvu" and correctly translated, "In booths shall ye dwell seven days," meaning thereby that one should dwell in the *Succah* seven days even as he dwells in his house the entire year, thus his principal abode should now be in the *Succah*. Therein he should take his fine furniture and household linens, he should eat, drink, study, amuse himself and sleep in the *Succah*, even intercourse with a friend should be had in the *Succah*, and if one prays privately, he should likewise pray in the *Succah*. It is written: "So that your generations may know that I made the children of Israel dwell in booths when I brought them forth from the land of Egypt," the mind should be centered on the fact that he is abiding in the Succah because the Holy One, blessed be He, commanded us to dwell in the Tabernacle as a memorial of the departure from Egypt. Concerning the interpretation of the word *succoth* as mentioned in the Torah, there is a tannaitic controversy. R Eliezer says that it refers to the clouds of glory wherewith the Holy one, blessed be He, had surrounded them so that the heat and the sun should not torture them. R. Akiba holds that it means real booths which they had made for themselves while in the wilderness as a protection from the sun. Although we departed from the land of Egypt in the month of Nissan, He did not command us to make booths at that time, because it is the beginning of the summer, when it is customary for people to erect booths for the purpose of having shade, and it would not be apparent that it is made in compliance with the precept of the Holy one, blessed be His name. Therefore He commanded us to make it in the seventh month, when it is the rainy season and it is customary for people to move out of their booths into their houses, and we go out of our houses to dwell in the *Succah*, this will be evident to all that we do it because the King ordered us to do it.

2. It is necessary that the *Succah* should be maintained in honor, so that precepts should not become loathsome. Hence one should not bring therein vessels that are not for usage of honor, e. g., pots, pitchers where-

with water is drawn from the well, vessels wherein flour is kept, kneading troughs, kettles, frying pans, mortars, or the like. After the meals, the dishes should be removed from the *Succah*, but drinking vessels should remain there. It is also customary not to bring therein earthen candlesticks because they are repulsive. One must not perform therein degrading work, e. g., washing pots or dishes, but one may wash glasses there. Needless to say that one most not urinate there even in a vessel, although he is accustomed to do so in his house. Cohabitation may be had in the *Succah*. If one brought in degrading vessels into the *Succah*, it does not thereby become invalidated, only that, while they are there, one must not say the benediction, "To dwell in the *Succah*," until they are removed.

3. On the first night it is obligatory to eat in the *Succah* at least bread of the size of an olive and even if one is distressed he is obliged to eat in the *Succah*. If, however, it rains, and it appears that it will stop in an hour or two he should wait, and then say the *kiddush* and eat in the *Succah* in a proper manner. But if it seems that it will not stop so soon, or if he had waited and it did not stop, he should say the *kiddush* in the *Succah*, also say the blessing "Who kept us in life" and bear in mind that this benediction also applies to the *Succah*, but the blessing, "To dwell in the *Succah*" should not be said. The hands should then be washed and the blessing, "Who bringest forth" said, then bread of the size of an olive is eaten without interruption and one may then proceed to the house to complete the meal. When washing the hands and saying the benediction, "Who bringest forth," one should bear in mind that he intends to eat also in the house. If the rain stopped before Grace after the meal was said, one should return to the *Succah* and say the benediction, "To dwell in the *Succah*", and eat bread slightly more than the size of an egg after which he should say Grace. If the rain stopped after he said Grace, he should also return to the *Succah*, wash his hands again, eat a little more than the size of an egg, saying the benediction, "To dwell in the *Succah*", and then say Grace. If in one's own *Succah* the water still drips from the covering after the rain stopped, and in his neighborhood there is a *Succah* that was closed with a roof which was opened after the rain, he should go there and eat with a joyful heart.

4. On the second night it is also obligatory to eat in the *Succah*, even if it causes him distress, and it is governed by the same law that applies to the first night, as above described, with the difference that if it appears that the rain will not stop so soon or if he had waited and it did not stop, *kiddush* should be said in the house, and the meal eaten there, but before saying Grace he should go to the *Succah* and eat there bread at least the size of an olive without saying the benediction "To sit in the *Succah*," he then returns to the house and says the Grace after the meal.

5. In the evening, on his return from the synagogue he should enter the *Succah* and immediately say the *kiddush*, but he should not say the *kiddush* unless it is positively night. When saying the benediction, "To sit in the *Succah*," in the *kiddush*, he should bear in mind that in that benediction is included the meal he is about to partake of, as well as his sleeping and other requirements that he will attend to in the *Succah*, until he will again say *kiddush*, on the following morning. When saying the benediction, "Who kept us in life," he should bear in mind that it applies to the Festival and also to the *Succah*. Therefore on the first night, he should first say the benediction "To sit in the Succah" and "Who kept us in life" thereafter, so that the benediction, "Who kept us in life," should also apply to the *Succah;* but on the second night he should first say the benediction, "Who kept us in life" and then the benediction "To sit in the *Succah*."

6. When several heads of families eat in one Succah and there are also the women and the other members of the family who need to hear the kiddush well in order to fulfil their obligation, if all the heads of the families will say it at one time, two voices are not audible, and consequently they will not hear the kiddush well, it is therefore best that they say it one after the other. If they do say it together, as when there is no one to fulfil his obligation by hearing it said, if one finished "Who createst the fruit of the vine," or some other benediction, before the other, and thereafter the other finished it, the first one should not say Amen in response to the other's benediction, because the saying of Amen constitutes an interruption between the benediction, "Who createst the fruit of the vine," and the drinking. People are wont to wait one upon the other and respond Amen, and this is not in accordance with the law, but they should say it altogether.

7. On the remaining nights and days, it is not obligatory upon one to eat in the *Succch*, but if one desires to eat a regular meal, or to sleep then he must do it in the *Succah*. By a regular meal, is meant bread more than the size of an egg; even if he had made no appointed time for eating it, or even if it was baked in a pan or made of the five species of grain, if it is more than the size of an egg and if he pre-arranged a time for eating it, then it is obligatory upon him to eat in the *Succah*, and to say the benediction "To sit in the *Succah*." But one is allowed to eat fruit outside the *Succah*, even if he eats much of it and sets an appointed time for it. It is likewise permitted to drink wine or other beverages, and to eat meat or cheese outside of the *Succah*, providing it was not pre-arranged. If, however, he desires to pre-arrange for drinking wine or other beverages, or for eating meat or cheese, he requires a *Succah*, but he should not say the benediction "So sit in the *Succah*" thereon. It is best that he previously partake of bread in order to say a benediction. All this is according to the law, but with the more praiseworthy, one is so scrupulous that he does not even drink water outside the *Succah*.

8. For sleeping, even for taking a nap, the *Succah* is the place required, and those who are scrupulous in the observance of the precepts make a practice thereof. Now, however, there are many who are lax in the observance of the law as regards sleeping, and the latest authorities have stated many reasons in justification thereof, but every God-fearing

man ought to be scrupulous and make a *Succah* fit for the habitation of himself and his wife, just as he lives the entire year, if possible. At least it should be fit for himself to sleep there. If it is not so made it is invalid even post facto.

9. If it rains one is exempt from entering the *Succah*. To make one exempt from the *Succah*, it must rain so hard as to lead one to judge that if it rained thus into the victuals it would spoil it, or if he judges that if it would thus rain into his room, he would leave it and go into another room, then one should also go from the *Succah* to the house. If after one began to eat in the *Succah* the rain descended and one went into the house and began to eat there, or if one had begun to eat in the house on account of the rain, which ceased thereafter, the meal is finished in the house, and one is not obliged to leave the house in the midst of the repast in order to enter the *Succah*. When the weather is cold and the victuals freeze in the *Succah*, one is exempt from entering the *Succah*, but eats in the house.

10. Regarding sleeping in a *Succah*, even a little rain causes distress when one sleeps, and one may leave it on that account. If one left and went to sleep in the house on account of the rain, and afterwards it ceased, one is not put to the trouble of going to the *Succah* the entire night, but he should sleep in the house till morning.

11. When one is exempt from the *Succah* and he does not leave it, he is called a common person, and obtains no reward therefor, and he is not permitted to say a benediction, as it is a benediction said in vain. When one leaves the *Succah* on account of the rain, he should not do so with disgust, but should go out meekly, like a servant who poured in a cup of wine for his master and the latter spilled a jug of water in his face.

12. It is customary not to say the benediction, "To sit in the *Succah*" unless it be a regular meal. It is also the custom that one should first say the benediction "Who bringest forth," then, "To sit in the *Succah*,' before he tastes anything. Then everything that he will eat in the *Succah* the entire day, and whatever he will do while staying therein, even if he will sleep there, all that will be exempted by this benediction until he eat another regular meal. If he does not leave the *Succah* between the meals either to go to business or to the synagogue, inasmuch as he had once said that benediction, "To sit in the *Succah*," he need not repeat it in the meal that follows, nor even the entire seven days, if he stayed, ate, studied, prayed and slept in the *Succah*, for as he did not leave the *Succah* he does not need to say the blessing more than once, his attention not having been diverted from the *Succah*. Even if he went out temporarily with the intention of returning immediately, it is not considered as diverted attention, and he is not required to say the benediction at the second meal. However, if he went out to business, or to the synagogue, or the like, even

if he went to his house to study there, or to do something which takes some length of time, this constitutes a diversion of attention and he is required to say the benediction again.

13. One who goes to a friend's *Succah* even in the midst of the meal and partakes there of an amount sufficient to make a *Succah* obligatory, is required to say there also the benediction "To sit in the *Succah.*"

14. If one had forgotten to say the benediction "To sit in the *Succah,*" and was reminded thereof in the midst of the repast, or even after he had finished his meal, he is required to say the benediction, for even the fact that he stays there thereafter is considered as performing a precept.

15. Women are exempt from dwelling in a *Succah*, yet they are permitted to say a benediction. Children are also exempt, nevertheless it is obligatory upon the father of a boy of five years of age and over, to train him to eat in the *Succah;* even when his father is not home it is not proper to let him eat outside.

16. A sick person and his attendants are exempt from dwelling in a *Succah.* If he is not dangerously ill, the attendants are not exempt excepting when he needs them, but if the invalid is dangerously ill, they are exempt even when he does not need them so urgently.

17. On whom it causes distress is exempted from dwelling in the *Succah* on the rest of the nights and days, but only when he suffers from cold, wind, bad odor or the like. If the lights in the *Succah* were extinguished on a Sabbath and it is very difficult for him to go to a friend's *Succah*, he may likewise return to his house, where the candles are lit. This is true only when he had originally made the *Succah* in a proper manner, and it is only an accident that caused him distress when sitting or sleeping therein, but if he had originally erected it in a place where there is an obnoxious odor and the like, or in a place where he fears to sleep therein, he does not fulfil his obligation therewith even when eating there in the daytime. If the wind penetrates the walls and is about to blow out the candles, it is permitted to spread there a sheet or a garment.

18. They who travel in the daytime are exempt from the *Succah* during the day since they have no time to look after a *Succah*, having to set out on their journey again; but if one is able to sit in a *Succah* without much trouble, he is bound to do so. At night when in an inn where he wants to stay over night, he should make an effort to sit in a *Succah.* Even if there is no *Succah* at that place, if he can erect one at a small cost, he should make an effort to have a *Succah* wherein to sleep.. Those who go into the villages during the Intermediate days of the Festival to collect debts if they are unable to make a *Succah* there, they should be strict about it and return to their houses every night in order to perform the precept appertaining to the *Succah.*

19. They who are on the road to perform a religious duty, even at night when they are free, if it is troublesome for them to obtain a *Succah* or if it is not pleasant for them to sleep there, and if they will sleep there, they will be tired the following day and will be detained from performing their duty, are exempt from the precept of *Succah*.

20. They who watch gardens, orchards or other produce, if it is possible for them to guard it all while staying in one place, must make a *Succah* for themselves wherein to stay.

21. They who make wine in the house of a heathen are exempt from the precept of *Succah* whether by day or by night, because they have to constantly look out that the heathen touches not the wine, but in the event no such watchfulness is necessary, they are bound to perform the precept of *Succah*.

22. Those who stay in a shop, even if they reside out of town and the shop is in town, and they are mostly accustomed to eat in the daytime during the entire year, nevertheless on the Feast of Tabernacles they are obliged to eat in a *Succah*.

CHAPTER CXXXVI.

Laws Concerning the Lulab and its Appurtenances.

1. One who bought an *ethrog* and *lulab* and knows not the laws concerning them, it is customary to show them to a Rabbi, to learn whether they are valid or not, for there are many diverse laws concerning same. An effort should be made to purchase a fresh *lulab*, as a dry *lulab* (whose greenness has gone) is not valid excepting in an emergency. Some authorities hold that if the *lulab* has no more green in it, it is considered as dry. The required length of a *lulab* is that its stock besides its upper leaves, should measure four hand-breadths. In an emergency, the length of thirteen and one-third thumbs is sufficient.

2. The *hadas* should be three leaved, that is, there should be three leaves in one even row on each stem, thus, one should be neither higher nor lower than the other. It is also requisite that the leaves cover the wood, that is, the top of each leaf should lap over the stem of the leaf that is above it. Among the *hadassim* that are brought from a distant place, very seldom valid ones are found, and they therefore must be examined. He who fears the word of the Lord should endeavor to purchase fresh and green *hadassim* which are three-leaved and beautiful, and if raised locally, he should investigate whether they had not been grafted, and if they did not grow in a pot having no orifice. The same investigation should be made of *lulavim* that grew in our countries. If one cannot obtain three-leaved *hadassim* those that are not three-leaved should be taken, but a benediction should not be said thereon.

3. The requisite length of an *hadas* is three hand-breadths. In an emergency the length of ten thumbs is sufficient. The entire *hadas* from the bottom to the top, should be three-leaved; in an emergency, however, if part thereof, at the bottom, is not three-leaved, and the greater part thereof at the top is three-leaved, it is also valid. It is essential to be particular that the leaves should not fall out, for if part of the leaves had fallen out, a learned man should be consulted, for there are many diverse opinions concerning same.

4. One should also be particular that the *hadassim* are not broken off, that is the top of the tree, and if the tops are broken off, a learned man should be consulted. However, the small twigs that grow between the stems should be broken off, so that they do not separate the stems.

5. The *'araba* is known through its leaf being drawn out, its edge is smooth, and its stem is red. Even while it is green it is also valid, inasmuch as it turns red when on the tree. The greater part of this species grows near streams. Most of this kind grow by brooks and therefore they are called *Arve Nahal* (of the brook). If they grow elsewhere they are also valid, nevertheless, if possible, it should be taken from those that grow by the river. The size of the *'araba* is the same as that of the *hadassim*.

6. An *araba* which is dried up or which most of the leaves had fallen or the top of the stem is broken off is not valid. Some authorities hold that even if the leaves shrivelled up on the stem, hanging downward, the *'araba* is not valid. Care should also be taken of the *'araba*, for at times because it is close to the *lulab* the leaves fall out, because of its being shaken, and then it becomes invalid.

7. An Israelite should be careful not to detach one of the four species from the tree himself in order to connect them, even if the owner of the ground had given him permission, but a non-Jew or another Israelite should detach them and he should purchase it from them.

8. Three branches of a *hadas* and two *'araba* branches are taken in the way they grow, with the cut edges downwards, and bound together with the *lulab* so that they all form a single band. The *hadas* should be bound on the right side of the back of the *lulab*, and the *'araba* on the left, that is, when taking the *lulav* with its back towards his face, the *hadas* should be towards his right hand, and the *'araba* towards his left, and at the bottom thereof they should all be even so that by taking the *lulab* he should grasp all. Nevertheless, one should see that the *hadas* is a little higher than the *'araba*, and one should be careful to see that the stock of the *lulab* is at least a hand-breadth higher than the *hadas*. They should be bound all together with a perfect band, with, say, two bands, one above

the other. Besides binding these species together, three more bands should be placed on the *lulab*, but the upper hand breadth of the *lulab* should be without a band, so that it might rustle when waived. If a cord is twined round the *hadas*, it should be removed before binding it (with the *lulab*) in order that nothing intervene. If the band becomes loose on the Festival it is forbidden to bind it again by making a knot, but only by making a loop, or as the practice is, to wrap them round and to insert the edge of the binder into its folds.

9. An *'araba* that was plucked on a Festival, whether on the first or second day, is forbidden to be handled on that day, as it is absolutely set apart. If, however, it is plucked on the first day of the Festival, it is valid for use on the second day thereof, but if the first day occurred on the Sabbath and its was plucked then, it is forbidden also on the second day. If an *ethrog* or any of the other species were brought from beyond the Sabbath boundary, it is permitted to handle them and to take them out, but if the city is not provided with an *'erub*, it is forbidden to handle them outside of the house where they are, and all must go there in order to fulfil one's obligation with them.

10. One who has not a choice set of the four species should rather fulfil the precept with his friend's. Nevertheless it is a religious duty for one to have also four species of his own, as good as he can afford to buy, with which to perform the ceremony of waving in the *hallel* and *hakafoth*.

CHAPTER CXXXVII.

Laws Concerning the Taking of the Lulab and the Order of Hakafoth. (Procession in the Synagogue).

1. The *lulab*, together with what is attached should be taken in the right hand, and the *ethrog* in the left hand. Since in all precepts the benediction must be pronounced before their performance, and the citron too has to be held in the position in which it grows, i. e., the stamen where it has been cut being downward and the apex upward, therefore when one takes the citron before pronouncing the benediction it should be held in the reverse position, with the stamen upward, and the apex downward, and the benediction: "concerning the taking of the *lulab*" should be said while standing (because the *lulab* stands higher than the rest, it is considered important, and the whole combination is called by its name). On the first day the benediction: "Who hast kept us in life" should also be said, but if the first day occurs on a Sabbath, when the *lulab* is not taken, the benediction: "Who hast kept us in life" should be said on the second day. After the benediction he should turn it over and hold the *ethrog* close to

the *lulab*, there being no separation between them; they should be waved towards the four points (of the compass), in this order, East, South, West, North, also upwards and downwards. When waving them during *hallel* and in the *hakafoth* he should likewise be careful to bring the *ethrog* close to the *lulab*. If he had done the opposite, and took the *ethrog* in his right hand and the *lulab* in his left, he should again take them, but without saying a benediction.

2. One who is left-handed should take the *lulab* in his right hand, which is everybody else's left, and the *ethrog* in his left hand. If he did the opposite, he should take them again without saying a benediction. The general law applies to one who is ambidexterous.

3. It is proper to remove the phylacteries before taking the *lulab*. One should at least remove the strap from his hands that there should be nothing to intervene. It is also proper to remove the rings from the fingers.

4. The order of "waving" in *hallel* in as follows: There are six words in "I give thanks" besides the Name, waving should be done at every word in a different direction, but at the mention of the Divine Name, there should be no waving. At *hodu* he waves towards the East; at *ki* towards the South; at *tob* towards the West; at *ki* towards the north. The Reader waves only in "I give thanks" and in "O let Israel say," but the congregation waves each time they say "I give thanks." When saying "Save" the Reader as well as the congregation, waves only at "Save we beseech thee, O Lord," but as it has but three words besides the Name, the waving should be done in two directions at each word. At "O give thanks" at the end of *hallel*, the Reader and the congregation also wave. When waving downwards, only the hands should be lowered, but the *lulab* and the other species should remain in the position in which they grow. In some places it is the custom to turn the *lulab* downwards and no man should act contrary to the custom. Nor is he required to turn his face in the direction in which he waves, but the top of the *lulab* only need be waved; nor is he required to wave it with force, only to shake it gently in order to make the leaves rustle.

5. It is forbidden to partake of food before taking the *lulab*. One who is traveling, and hopes to arrive at a place where there is an *ethrog* and a *lulab*, likewise those who dwell in country places where an *ethrog* and *lulab* are sent to them, are required to wait until noon, but no longer, as it is forbidden to fast on a Festival and during the Intermediate days of a Festival. One, however, who feels faint and cannot wait until noon, may partake of some refreshments previous thereto; but the one who is not faint should be scrupulous, so as not even to taste anything.

6. It is permissible to put the *lulab* back in water on the Festival and to add water thereto, but not to change the water. During the Intermediate days of a Festival, it is, however, mandatory to change the water in order that the *lulab* remain fresh and bright. It is also customary during the Intermediate days of a Festival to take a new *'araba* for the *lulab* each day, and this is the glorification of the precept.

7. It is forbidden to inhale the fragrance of the hadas with which the precept is performed during the entire seven days of the Festival even on the Sabbath, but the fragrance of an ethrog is permitted to be inhaled on the Sabbath, and the benediction, "Who put a good odor in fruit" is said. During the other days its fragrance should not be inhaled, even during the time that it is not taken to fulfil the precept therewith, because it is doubtful whether a benediction should be pronounced. It is forbidden to handle the lulab on the Sabbath even for the requirements of itself or of its place, inasmuch as its use was not counted upon, but the ethrog, since it is permissible to inhale its fragrance is not "set apart," and it is permissible to handle it; it is also permitted to put it in the cotton wherein it was before the Festival, which had already become impregnated with its fragrance, but it should not be placed in new cotton or in cloth, as an odor will be created.

8. On the first day of the Festival, one's obligation is not fulfilled with a *lulab* and the species that were borrowed, but they must actually belong to him, for it is written: "And ye shall take unto yourselves (lachem) on the first day," and it is explained *mishelachem* of your own, to exclude one that is borrowed. And with us who live outside of Palestine and observe a second day, because of a doubt, on the second day, too, no benediction should be pronounced over it (the borrowed one). If one presents them to him on condition that he return same, it is a gift, and he fulfills his obligation therewith. Even if they are merely given to him in order to fulfill his obligation, it is considered as if he had told him plainly that he gives it to him on condition that he return it. If the husband is not at home and the wife desires to give them to another to fulfill his obligation therewith, its validity depends on the disposition of the husband, whether he be likely to be displeased thereat or not.

9. If two bought an *ethrog* and the rest of the species in partnership, it is presumed that they bought them with the intention of mutually transferring their share in it to each other when each will perform the precept therewith. Hence it is customary for the congregation to buy an *ethrog* wherewith the entire congregation may fulfil their obligation, and whoever can afford it is obliged to pay something for the *ethrog*. In spite of that it is best for one to fulfil his obligation with the *ethrog* of an individual which has a superior assortment of appurtenances, for what an individual transfers to his neighbour is more select.

10. On the first day children should not be allowed to take the *lulab* and *ethrog* until after the adults have taken it, for according to the Mosaic Law a minor can acquire possession but is unable to transfer possession.

11. Every day during the Festival at the conclusion of the Additional Service, it is customary that a Scroll of the Law is brought up on

the Reader's desk, and all those possessing a *lulab* and an *ethrog* walk in procession encircling the Reading desk whereon is the Scroll of the Law, whilst the Holy Ark is left open until after the saying *hoshanoth*, when the Scroll of the Law is returned thereto. Every day the Reader's desk is encircled once, but on the seventh day which is *Hoshana Rabba*, every Scroll of the Law is taken out and brought up on the Reader's desk, and it is encircled seven times, in commemoration of the Temple where the altar was encircled once daily, and on the seventh day seven times. The *hakafoth* should be made towards the right, and because the Scroll is on the desk and the entire congregation have to face the Scroll before they begin to encircle, then the North is to their right, therefore they encircle it in a northerly direction. One who has an *ethrog* and *lulab* and does not encircle the Reading Desk acts wrongly. In some places it is customary that on *Hoshana Rabba* and on the Day of the Rejoicing of the Law, after all the Scrolls had been removed from the Holy Ark, they put a candle in the Ark (to indicate that the Torah is light, and when the Torah is not there another light is needed). This is not a good custom and should be abolished, because no common use is allowed to be made of the Ark, even only temporarily.

12. On the Sabbath the Reading desk is not encircled for even in the Temple is was not encircled, for that reason a Scroll of the Law is not brought upon the Reading desk, but the Holy Ark is kept open until after the *hoshanoth* have been said.

13. When one's mourning occur on a Festival, or when one is in mourning because of the death of his father or his mother during the entire twelve months, it is customary for him not to encircle the Scroll of the Law. He should honor with his *lulab* and *ethrog* the one who has none of his own to make the encircling.

CHAPTER CXXXVIII.

Laws Concerning Hoshana Rabba, Eighth Day of Solemn Assembly and Rejoicing of the Law.

1. The fifth day of the Intermediate days of the Festival is *Hoshana Rabba*. It is customary to be awake the whole of the preceding night and to study the Torah. Because on the Festival we are judged concerning water which is the mainstay of man's life, and this day is the last day of the Festival, and everything depends upon the conclusion. In the Morning Service there is a slight increase in the number of burning candles as on the Day of Atonement, and the Reader wears a white robe. "For the Chief Musician" etc., is said as on a Festival. A Psalm of Thanksgiving is also said. "The breath of every living" is not said; "There is none like unto Thee" is said, also "Hear O Israel" is said as on a Festival. In the *k'dushah* of the Additional Service: "We will sanctify" is said.

2. It is a custom instituted by the Prophets for each to take on that day a special *'araba*, besides the *'araba* which is in the *lulab*. Whatever invalidates the *'araba* in the *lulab* invalidates also this *'araba*, therefore an Israelite should not cut it for his own use, only that even if most of the leaves fell out, and even if there be but one leaf on a stem, it is valid. Nevertheless it is a glorification of the precept if it has many leaves and long stems. It is a fine custom to take five stems and tie them together with the leaves of a *lulab*.

3. It is not taken together with the *lulab*, but when "Thou, respondest the faithful" is said, the *lulab* and the *ethrog* are put down and that is taken up for then we pray for water. On conclusion of the *hoshanoth* it is waved and then beaten against the ground five times, which is sufficient, even if its leaves are not lessened thereby. After the beating, it should not be cast upon the ground, in order not to treat a precept with contempt. It is best to preserve it for the purpose of throwing it into the furnace where the *matzoth* are baked, since one precept was performed therewith, let another one also be performed.

4. On the night of the Eighth Day of Solemn Assembly one should wait until night before saying the *kiddush*. The benediction, "Who kept us in life" is said in the *kiddush*, inasmuch as it is a Festival in itself; the benediction "To dwell in the Tabernacle" is not said, for in the prayers and in the *kiddush* we say: "The eighth Day of holy assembly," and if we would say, "To dwell in the Tabernacle" it would be a contradiction.

5. On the night of the Eighth Day of Solemn Assembly and during the entire day, the eating is done in the *Succah*, only that the benediction: "To dwell in the Tabernacle" is not said as stated above. Before leaving the *Succah*, "May it be Thy will" is read. Regarding sleeping in the *Succah*, some are lax about it, while others are accustomed to do it, it is best to follow the stricter opinion.

6. On the eighth day, at the approach of darkness, the furniture may be removed from the *Succah* to the house, but it should not be put in order while it is yet day, as it is like preparing on one Festival for another.

7. The last day of the Festival which is also the Eighth Day of Solemn Assembly is called Rejoicing of the Law, because the Torah is concluded on that day, and we rejoice therewith. In the evening after the service the Reader's desk is encircled, after which the Scrolls of the Law are replaced in the Holy Ark, and one is left out, wherein the law is read. Three people being called up to the portion "*V'zoth Habracha.*" In some communities it is customary to read in the section dealing with vows. After the reading of the Law, half *kaddish* is said; the Scroll is replaced, and "It is our duty to praise" is said.

8. On the Day of the Rejoicing of the Law, it is customary in many communities for the Priests to bless the people at the morning service and

not at the Additional Service for then slight drunkenness may be aprehended. "And may our prayers be pleasant," is not said in the Morning Service.

9. In the daytime after the hakafoth are over, three Scrolls of the Law are left out, and many are called up for whom the section from "V'zoth Habracha" until "Thy refuge" (Deut. xxxiii, 27) is read many times. At the conclusion thereof all minors are called up. It is proper for the eldest among them to say the blessing, and for the rest to hearken thereto; then the section: "The angel who redeemed" is read for them. After that the Chathan Torah is called up, and the portion from "Thy refuge" until the conclusion is read. The Chathan Bereshith is then called up, and after the portion of Bereshith is read for him in the second Scroll, half-kaddish is said, then the maftir is called up, and a portion is read for him in the third Scroll. It is proper to call up an eminent person as Chathan Torah. Even one who had already gone up to the law when V'zoth Habrachah was read, may nevertheless be called as Chathan Torah or to Chathan Bereshith. Where there are only two Scrolls of the Law, V'zoth Habrachah is read in one, and Bereshith in the other, then the first is again taken, and the portion for the haftorah is read therein.

10. It is customary for the *Chathan Torah* and the *Chathan Bereshith* to make donations, also to invite all their friends to a banquet of rejoicing on the occasion of ending the Torah and its commencement. For it is stated in the Midrash: "And he came to Jerusalem and he stood before the Ark of the Lord, etc., and he made a feast for all his servants." Said Rabbi Isaac, from this is inferred that a feast should be made upon the completion of the Torah.

CHAPTER CXXXIX.

Laws Concerning Hanukah.

1. During the second Temple when the Greeks have enacted evil decrees concerning the Israelites and aimed to wipe out their religion, and therefore did not permit them to engage in the study of the Torah or in the performance of the precepts. They robbed them of their property, violated their daughters, and entered the Temple in which they caused damage and polluted the sacred. Israel was in great distress because of their cruel oppression, until the God of our fathers took pity on them and saved them from their hands. The sons of the Hasmonian the great priests prevailed over them, killed them and thus saved the Israelites from their hands. They then made as king one of the priests, and the kingdom of Israel was again established which lasted for two hundred more years until the destruction of the second Temple. When Israel prevailed over his enemies, on the twenty-fifth day of Kislev, they entered the Temple and there found of the pure oil only one small bottle which lay there sealed with the seal of the High Priest. This oil was sufficient to last but one day, when they lit the candle-stick therewith it lasted for eight days until they pounded olives and extracted therefrom pure oil. For this reason the wise men of those days have enacted that these eight days which begin on the twenty-fifth of Kislev be set aside as days of rejoicing and praise. Every night, during these eight nights, lights are lit towards the evening over the entrances of the doors to show and publish the miracle. These

days are called Hanukah, i. e., they rested on the twenty-fifth, for on this day they rested (were freed) from their enemies. Another reason therefor is that they dedicated the Temple during these days, as the enemies had polluted it, and therefore some authorities hold that it is mandatory to feast a little more lavishly during these days. Another reason for the celebration is also the fact that the work of the Tabernacle was finished during these days. It is proper for every one to relate to his household the miracles that were wrought for our fathers during those days. Nevertheless the feasting is not considered unless songs and praises are sung while feasting. Charity should be liberally dispensed on Hanukah, for this is instrumental in mending the flaws in his soul, especially when dispensed to those who are poor and study the Torah in order to maintain them.

2. Nobody should fast on Hanukah, but it is permissible to pronounce a funeral oration, or to fast on the day before and on the day after Hanukah.

3. It is permitted to do work during Hanukah, but women observe the custom not to work while the Hanukah lights are burning in the Synagogue, and it is not proper to be lenient with them about it. The reason women are more scrupulous about it is because the decree effected them severely, for they decreed that a maiden before her marriage must first have conjugal intercourse with the governor. Another reason for this is because the miracle was performed through a woman. The daughter of Johanan the High Priest was a fair looking maiden, and the cruel king requested that she lie with him. She told him that she would fulfill his request, and she made him eat dishes made of cheese, so that he became thirsty and drank much wine, and became drunk and fell asleep, and so it was that she cut off his head and brought it to Jerusalem. When their general saw that their king was killed they all fled. Therefore it is customary to eat dairy dishes on Hanukah, in memory of the miracle performed by means of milk.

4. All kinds of oil are valid for the Hanukah lights, nevertheless, the most proper way of performing the precept is to take olive oil, like the miracle of the Temple which was also with olive-oil. If it cannot be obtained, other oil which gives a clear and bright flame should be selected, or else wax candles may be used as their light is also clear. There should be two candles stuck together for it then resembles a torch, but each candle by itself. It should not be made of wax that was used in the place of worship of the heathens, for it is despicable. All wicks are valid for the use of Hanukah lights, but the most preferable way of performing the precept is to take cotton ones. It is not necessary to take new wicks every night, but one may light the original wicks until they are consumed.

5. If one puts the candles in a clay candle-stick since he used it one night, it becomes old, and cannot be used a second night, because it becomes despicable. One should therefore procure a beautiful metal candle-stick, and one who can afford it should buy a silver candle-stick in order to perform the precept in a glorious manner.

6. It is a custom of the most scrupulous in our land, that each one of the household should light one candle on the first night, and two candles on the second night, and add thus until the eighth night when eight candles are lit. Care should be taken that each one should place his candles in a separate place in order that it be recognizable how many candles are lit up; they should not be lit in a place where candles are lit the entire year in order that it be discernible that they are Hanukah lights.

7. It is mandatory to light the Hanukah lights within the door that is near the public domain, in order to make the miracle known, and thus it was done in Talmudic days. As at the present period we dwell amongst other nations, each one lights them in the house wherein he dwells, and if there be a window towards the public domain they should be lit there, if not they should be lit near the door. It is mandatory that they be placed within the hand-breadth that is near the left side of the door, so that the *m'zuzah* be on the right and the Hanukah light on the left, thus one finds himself surrounded by precepts. It is preferable to place them within the hollow of the door.

8. It is mandatory to place them higher than three hand-breadths above the ground and lower than ten hand-breadths therefrom. If, however, he places them higher than ten hand-breadths he has fulfilled his obligation; but if one places them above twenty cubits from the ground the obligation is not fulfilled, for at a height of more than twenty cubits one is unable to perceive well. One who dwells in a garret may place them in the window even if it is higher than ten hand breadths above the ground of the public domain. If the window is higher than twenty cubits from the ground, so that the passersby cannot behold it, then it is better to place them near the door.

9. The lights should be in an even row, one should not be higher and the other lower, and there should be an open space between one light and the other, in order that one flame should not merge into another and resemble a torch. Between wax candles there should also be an open space in order that one should not become heated by the other, so that the wax should not drip down and the candles be spoiled. If one had filled a dish with oil and put wicks around it, then if he forced a cover on it, each wick is considered like a separate candle, but if he did not force a vessel on it, it is not even considered as one light because it is like a torch. A candle-stick that has two or more branches should not be lit by two even in the first night, as it would not be recognisable how many candles are lit.

10. The time of lighting them is immediately at the appearance of the stars, and it should not be delayed. It is forbidden to do anything before the lighting, even to study the Torah, but the evening prayers should be said before lighting them. The entire household should be assembled in order to give the matter publicity. It is requisite to pour in oil sufficient to burn at least half an hour, but if by inadvertance one did not light them immediately, he may light them saying a benediction, as long as the household is awake, but after the household is asleep the miracle is no longer given publicity, and he should light without saying a benediction. If he will have no time to light at night, he may hasten himself and light them at about one hour and a quarter (where the day is twelve hours) before the stars appear, providing he pours in sufficient oil to make them burn until half an hour after the appearance of the stars, and if they do not burn until then he has not properly performed the precept.

11. The order of lighting them is in accordance with our custom. On the first night the light toward the right should be lit, and on the second night he should add one light towards his left, and thus he adds every night on his left, and the one that is added should be lit first and then turn and light towards the right.

12. On the first night the one who lights them says three benedictions previous to lighting them: "Who hath wrought miracles;" "Who hath commanded us concerning the lighting of the candles;" and "Who hath kept us in life;" and on the other nights he does not say the benediction, "Who kept us in life." After the benedictions have been said, one light is lit and while lighting the others, "These lights" etc., is said. A convert to Judaim says: "Who hath wrought miracles for Israel". If, however, he said: "For our fathers" his obligation is fulfilled. A mourner, Heaven forbid, before his dead was interred should not light the candles if there be another to do so, and he should respond *amen*. But if there be no other, he should light without saying the benediction.

13. It is an established law that the act of lighting constitutes the performance of the precept. It is therefore essential that, during the lighting, the lights be in their place and in accordance with their proper quantity. Hence, we infer that if he had lit them when they were lower than three hand-breadths above the ground, or higher than twenty cubits, and after being lit they were properly placed, they are invalid. If when lighting them there was not the proper quantity of oil, and it was added thereafter, it is likewise of no avail. If one placed them where the wind is blowing and they are in danger of being extinguished, the precept is not properly performed, and it is incumbent to light them again, but no benediction should be said. If, however, they were placed properly and they were accidently extinguished, he has already performed the precept, but it is customary to re-light them. It is also customary scrupulously to abstain from lighting one candle by the other, but they should be lit by the servile candle or by some other candle.

14. During the time prescribed for the performance of the precept, which is half an hour, it is forbidden to make any use of their light. Hence it is customary to place near them the candle with which the lighting is done, so that if he does anything near them, it is done by the light of that candle. It should be placed slightly higher than the other lights in order that it may be apparent that it is not of the number of candles.

15. The Hanukah lights are lit in the synagogue to give publicity to the miracle, and a benediction is said upon them. They are placed near the southern wall, and are lit between the Afternoon and Evening Services. No one is, however, exempted by the lights in the synagogue, but is required to light them again in his house. A mourner should not light them in the synagogue the first night, as he is required to say the benediction, "Who kept us in life" and a mourner is not permitted to say this benediction in public, but in his house he says the benediction, "Who kept us in life."

16. The observance of Hanukah lights is obligatory upon women, for they too, were included in this miracle, and a woman may light them on behalf of her entire household. It is obligatory also upon a lad who had reached the age proper for being trained in the precepts. For a blind person it is best to contribute something if he can towards the purchase of the candles with another. If he has a wife, she lights them for him, but if he has no wife, and has a separate dwelling where he has none with whom to join in purchasing them, he should light through the aid of another.

17. On the Sabbath eve the Hanukah light is lit first, then the Sabbath light, but it should be after the middle of the afternoon, and the afternoon prayers should be said previous thereto. It is necessary to pour in oil sufficient to keep them burning until half an hour after the appearance of the stars, as otherwise his benediction will have been said in vain. If he lit them near the door, he should place something between them and the door, to prevent their being extinguished by the opening and closing of the door.

18. On the conclusion of the Sabbath the habdallah is said first, and the Hanukah lights are lit thereafter. In the synagogue they are lit before "And may God give thee."

19. One who is out of town, if he knows that his wife lights them at his house, he should light them wherever he is without saying a benediction. If possible, it were well for him previously to hear the benedictions said by another who is lighting them there and he should bear in mind that he is fulfilling his obligation by the other's benediction, and should respond *amen*, after which he should light them without saying the benedictions. But in case his wife does not light them at his home, likewise the guests in hotels and the like, they are required to light them, saying the benedictions or else they should become partners with the head of the hotel by giving him a coin in order that they shall also have a share in the oil and wick,

and the head of the hotel should add a little more oil than the required quantity for the share of the partners. They, however, should glorify the precept by each one lighting for himself. One who is in his city but in a different house, should return to his house and light them there.

20. The oil that is left in the lamps after Hanukah, also the wicks, should be gathered together and burnt, inasmuch as they were set apart for the performance of the precept, it is forbidden to make use of them unless he had originally made it a condition that he does not set apart that which will be left.

21. During the eight days of Hanukah, "For the miracles" should be said in the *'amidah*, but if one had inadvertently omitted it, and was reminded thereof before saying the Name in the benediction: "Whose name is good," it should be repeated beginning with, "For the miracles," but if he was not reminded thereof until he had uttered the Name, he should conclude the benediction and it need not be repeated.

22. During the eight days of Hanukah, the entire *hallel* is said. Neither the Propitiatory Prayers, nor "O God! who art long-suffering," nor "For the Chief Musician" (Psalm xx), nor "Thy righteousness" is said.

23 Each day a section of the portion Nassi (No. iv. 21) is read for three persons, as follows: On the first day the reading is begun for the Priest from, "And it came to pass when Moses had finally set up," until "For the dedication of the Altar;" for the Levite from, "And he that offered his offering on the first day" etc. until "Full of incense;" for the Israelite from, "One young bullock," until "The son of Aminadab." On the second day for the Priest and the Levite: "On the second day;" for the Israelite: "On the third day;" thus on each day, for the Priest and the Levite the day which they left off and for the Israelite the day that follows. On the eighth day for the Priest and Levite: "On the eighth day", and for the Israelite the reading is begun from: "On the ninth day", and the entire Portion is concluded, the reading is then continued in *B'ha'alothcha* until: "So made he the candlestick."

24. On Sabbath Chanukah two Scrolls of the Law are taken out. In one the Weekly portion is read, and in the otherthe portion for the *maftir* which is the "Day" corresponding to the day of Hanukah and for the *haphtorah* "Shout and rejoice" is read thereon. On the New Moon of Tebeth which occurs on a week-day two Scrolls of the law are taken out; in one the usual section for the New Moon is read for three persons who are called up, after which a fourth is called up and the "Day" corresponding to that Hanukah Day is read for him in the other Scroll of the Law, for New Moon is more frequent, and it is an established principal of law that between the one more frequent and the one less frequent, the more frequent has precedence, therefore of the New Moon is read first. If by error the section of Hanukah was read first, even if the reading had not yet begun, but the one who went up had already said the benediction it need not be interrupted, but the reading of his portion may be concluded and for the rest who are called up the section of New Moon is read. If it

was read in the section for the New Moon in a proper manner, but by error it was read also for the fourth person in the section of the New Moon; even if they became aware of their error immediately after the one who was called up had said the benediction, then if only one Scroll had been taken out, they need not read further therein, if, however, two Scrolls of the Law were taken out, for fear lest the honor of the Scroll will be slighted, a fifth person should be called up and the portion for Hanukah should be read therein. After the fifth person has been called, the half-kaddish should be said.

25. If the New Moon of Tebeth occurred on the Sabbath, three Scrolls of the Law are taken out. In the first the weekly section is read for six persons; in the second the portion of *Rosh Chodesh* is read for the seventh person. It is begun from: "And on the day of Sabbath," then half-kaddish is said. In the third Scroll of the Law, the "Day" corresponding to that Hanukah day is read for the *Maftir* and "Shout and rejoice" is read for the *haphtorah*. Although the more frequent has precedence, this relates only to a case where both are read, but in the case of the *haftorah* where only one is read that of the New Moon is omitted and the one for Hanukah is read to make the miracle known.

26. On the fifteenth of Shebat is the New Year for trees; the Propitiatory Prayers are not said, and it is customary to eat thereon different kinds of the fruits of trees.

CHAPTER CXL.

Laws Concerning the "Four Portions".

1. The Sabbath prior to the New Moon of Adar, the month before Nisan is called "Sabbath *Sh'ḳalim*." If the New Moon occurs on the Sabbath, *Sh'ḳalim* is on that day. Three Scrolls of the Law are taken out. In the first the weekly section is read for six persons; in the second the portion of the New Moon is read for the seventh person, the reading is begun from: "And on the day of Sabbath", then the half-*Kaddish* is said. In the third scroll *Sh'ḳalim* is read for *maftir*, and the *haphtorah* of *Sh'ḳalim* is read. If by error the reading was first begun in Section for *Sh'ḳalim*, it is concluded, and the portion of the New Moon is read for the *maftir*, and the *haphtorah* of Sabbath Rosh Chodesh is read.

2. The Sabbath before Purim is *Parshath Zachor*. The Sabbath before the New Moon of Nisan is *Parshath Hachodesh*. If the New Moon occur on the Sabbath then this Sabbath is *Parshath Hachodesh*, and it is governed by the same law that applies to the New Moon of Adar that occurs on the Sabbath. The Sabbath before *Parshath Hachodesh* is *Parshath Parah*.

3. Some are of the opinion that the reading of *Parshath Zachor* and *Parshath Parah* is an obligation by the mandate of the Torah, and a minor is not called to the *maftir*. Country people who have no quorum for praying are required to go to a place where there is a quorum for praying, and if that be impossible for them, they should at least read the *Parshioth* with the proper intonations.

CHAPTER CXLI.

Laws Concerning the Megillah.

1. As soon as Adar arrives all should exceed in being joyful. If an Israelite has a controversy with a non-Jew he should go with him to court during this month.

2. In the days of Mordecai and Esther the Jews gathered themselves on the thirteenth day of the month of Adar to defend themselves against and to take revenge of their enemies. They had to ask for mercy from the Holy One, blessed be His name, that He should help them; and we find that when the Israelites were at war they fasted so that the Lord might help them; also Moses our teacher, of blessed memory, when he waged war against the Amalekites, fasted; if so, apparently also in the days of Mordecai and Esther they fasted on the thirteenth day of Adar. Therefore all Israel have taken upon themselves the thirteenth day of the month of Adar as a public fast-day. This is called the Fast of Esther in order to remember that the Holy One, blessed be He, sees and hears the prayer of every man in time of distress when he fasts, and when he returns to God with all his heart as He had done to our fathers in those days. Nevertheless this fast-day is not as obligatory as the four days which are ordained in the Scriptures. Hence, it may be relaxed in an emergency, thus pregnant and nursing women, or even one suffering slightly with his eyes, if the fast would cause them distress, should not fast. A woman within thirty days of giving birth, also a bridegroom in his seven days of rejoicing, need not fast, and they should afterwards make up for that fast. However other persons who are well, should not separate themselves from the congregation, and even one who goes on a journey and it is hard for him to fast, is nevertheless required to fast.

3. *Purim* is on the fourteenth of Adar. If *Purim* occurs on Sunday the fast is held on Thursday. If a circumcision is celebrated on that day, the feast should be held at night, but the Sandek and the father of the son are permitted to eat in the daytime, and they are not required to fast on Friday. If another forgot and ate on Thursday, he should fast on Friday.

4. In honor of the *Megillah* one should attire himself in Sabbath garments in the evening, and on his return from the synagogue he should find the lights burning in his house and the table set. In the evening after the *'amidah* the entire *kaddish* is said, including "May the prayers and supplications" etc. Then the *Megillah* is read, after which "And thou art holy" etc., is said (which is contained in the psalm: "For the Leader upon Ayeleth ha-Shahar. A Psalm of David," Ps. xxii). This refers to Esther. And there is said: "O my God, I will call", etc., and this refers to the reading of the *Megillah*. R. Joshua b. Levi said that the *Megillah* must be read in the night and repeated during the day, for it is said (Ps. xxii, 3): "O my God, I call by day, but Thou answerest not; and at night and there is no surcease for me." And after that is written:

"Yet Thou art holy," etc. Then the entire *kaddish* is said; but "May the prayers and supplications" etc., is omitted. If it is the conclusion of the Sabbath. we say: "And let the pleasantness", and then we say: "Thou art holy"; then the entire *kaddish* without "May the prayers and supplications" etc., then "And may God give thee". The *habdallah* is then said upon a goblet of wine, and then "It is our duty" etc., is said.

5. Before *Purim* has set in, it is customary to give half of a standard coin current in that place and at that time, to commemorate the half *shekel* they were accustomed to give for the buying of the public offerings. This is called half a *shekel*. It is customary to give three half shekels, for in the Section *T'rumah* three times the word *T'rumah* is written. It is given in the evening before the *Megillah* is read, and that money is distributed to the poor. A minor is exempted from contributing a half-shekel, but if his father once gave on his behalf, it is ever obligatory upon him. Some say that a lad of thirteen must donate it, and others hold that he is exempt to the age of twenty-one.

6. On *Purim* in the *'amidah* of the evening, morning and afternoon services, we say, "We thank thee also for the" etc., and if it was omitted, it is governed by the same law that applies to Hanukah (Chapter cxxxlx, 21).

7. It is obligatory upon all, both male and female, to hear the *Megillah* read at night and in the daytime; hence, maidens, too, should go to the synagogue, and for those who do not go it is necessary to be read in the house. Children also should be trained to hear the *Megillah* read. Nevertheless very young children should not be taken to the synagogue, as they divert the attention of the listeners.

8. At night it is forbidden to read the *Megillah* before the stars have appeared, even in a case where one is much distressed on account of the fast, but he may have some slight refreshment before the *Megillah* is read, such as coffee, and the like, in order to somewhat overcome the weakening effect of the fast.

9. The best way of observing the precept is to hear the *Megillah* read in the synagogue where there is a multitude of people, for in the multitude of people is the king's glory (Prov. xiv, 28). One should at least endeavor to hear it in a quorum of ten, but it is impossible to read it in a quorum of ten, each individual should read it out of a valid *Megillah* with the benedictions that precede it. If one knows how to read it, and the others do not, the one who knows should read it, and they should hear, and thus fulfil their obligations, even if they are not ten. The benediction at the conclusion should not be said, excepting amongst ten, but if the Name and Sovereignty is omitted an individual may also say it.

10. It is a custom in all Israel that the one who reads the *Megillah* for the congregation does not read it out of a rolled *Megillah*, but he

spreads it out and folds it folio upon folio like a letter, but the listeners are not required to spread it out.

11. He who reads the *Megillah*, whether in the daytime or at night, pronounces three benedictions previous thereto: "Concerning the reading of the Megillah;" "who wroughtest miracles," and "who hast kept us in life". And after he had read it, he rolls it completely together, and places it before him, and says the benediction: "Who dost plead our cause". If a mourner reads the *Megillah*, someone else should say the benedictions, on account of his being unable to say: "Who kept us in life".

12. When saying the benediction: "Who kept us in life" in the daytime, it should be borne in mind that it has reference also to the sending of portions, the making of gifts to the needy, and the *Purim* feast. The Reader should likewise bear in mind that he is causing the congregation to exempt the obligations concerning these precepts as well.

13. He who reads the *Megillah* is required to have his mind centred upon causing all the listeners to fulfil their obligation. The listener also should bear in mind that he is thus fulfilling his obligation; hence, he should hear every word, for if he did not hear even one word, his obligation is not fulfilled. The reader, therefore, is required to be very careful to cease reading altogether while there is a tumult at the mention of Haman, and wait until the commotion is entirely over. Nevertheless it is mete and proper for each to have a valid *Megillah* in order that he himself should say word for word in an undertone, as perchance he may not hear one word from the Reader. Every understanding woman who is at synagogue should likewise have a valid *Megillah* out of which to read, because there it is hard to hear, and women are obligated the same as men. (If the moon was not sanctified and it became visible during the reading of the Megillah, see above xcvii, 15).

14. The Reader should say the ten sons of Haman including the word Asereth all in one breath to indicate that all of them were slain and hanged at one time. It is the custom to begin with "Five hundred men" and say all in one breath. If, however, one inadvertently paused between the ten sons of Haman, his obligation is fulfilled. The custom prevailing in some communities that the entire congregation read the sons of Haman, is not a proper one. But the Reader himself should say and the congregation should listen, the same as the rest of the Megillah. At night when the Reader says: "In that night sleep fled from the king" (v, 1), he should raise his voice, for there is the beginning of the miracle, and when saying: "This letter" he should wave the *Megillah*.

15. One who has a Megillah that is not valid, or a Bible, should not read with the Reader, because if he reads he cannot listen to the Reader, and even if he can pay attention, perhaps someone else will overhear his reading and will thus be unable to follow the Reader. Nor should anyone verbally assist the Reader, therefore the four verses of re-

demption which the congregation say in a loud voice, the Reader is required to repeat from the valid *Megillah.*

16. One who had already fulfilled his obligation concerning the reading of the *Megillah*, and reads it for the sake of another, if the one who is required to fulfil his obligation knows himself how to say the benedictions, he should say it himself, but if it is read before a woman, it is best that the Reader should say the benedictions and say: "Who hast sanctified us by thy commandments, and hast given us a command concerning the listening of the *Megillah*".

17. It is permitted to handle a *Megillah* on the Sabbath (on which *Purim* does not occur). Nevertheless, if *Purim* falls on Sunday, the *Megillah* should not be brought to the synagogue on the Sabbath, even in a city that is provided with an *erub*, inasmuch as it is preparing from a Sabbath to a week-day.

18. If a congregation has not a Reader who is able to read with the proper intonations, he may read it without any intonations, providing he reads the words properly, so that the subject matter is not changed. For if he read: "Mordecai *yashav*" (he sat), instead of *yoshev* (he is sitting) or instead of: "And Haman *nophel*" (is falling), *naphal* (he fell), or the like, even if it has already been said, his obligation is not fulfilled. It is allowed to make vowels and notes in the *Megillah* so that it may be read properly since it is a case of emergency. This is preferable than one should read silently out of a Bible, for he cannot then hear what the Reader is saying and by reading out of a Bible his obligation is not fulfilled. If it so happened, he must start it again and hear it read out of a valid scroll.

19. If a congregation has not a *Megillah* that is legally valid, nevertheless if it is written upon parchment according to the law, only that some words in the middle are missing, but since an entire subject is not missing, it may be read therefrom, and the benedictions may be said thereon. When coming to the error the Reader should repeat from memory, or one should say it for him silently from a Bible; but if they have no *Megillah* at all, or an entire subject is missing, or if either the beginning or the end is missing, each one should read for himself from a Bible, but the benedictions are not said. An individual who has only a *Megillah* that is not valid, should read therein without saying the benedictions.

20. A mourner in the first seven days of mourning should observe all the laws of mourning, and he is forbidden to witness any manner of festivity, but he is permitted to put on his boots and to sit on a chair, for this is something that everybody can see. At night if he can gather a quorum at his house to read the *Megillah*, it is well; if not, he should pray at his house and go to the synagogue to hear the *Megillah.* If it oc-

curs on the conclusion of the Sabbath, he should go to the synagogue after the third meal while it is yet day, and on the morrow he should go to the synagogue to pray and to hear the *Megillah*.

21. One who has lost a member of his family on the Fast of Esther and is an *onan* at night, before the interment, he should hear the *Megillah* read by another. He should neither eat meat nor drink wine because at night he is not obligated to feast. In the day time after going out from synagogue the dead is interred, and thereafter, he prays and reads the *Megillah*, or he hears it read by another. If he heard the *Megillah* read before the interment, his obligation is fulfilled; nevertheless it is proper for him to read it again without saying the benedictions. He should not put on the Phylacteries even after the interment, since it is his first day of mourning. An *onan* is permitted to eat meat and to drink wine on *Purim*.

22. In the morning it is customary to arrive early at the synagogue. After the *'amidah* half-*kaddish* is said, and the law is read in the section: "And Amalek came" (Exod. xvii, 8), and three persons are called up, after which half-*kaddish* is said. After the Scroll of the Law is replaced in the Holy Ark, the *Megillah* is read. After the last benediction "Who broughtest the counsel of the heathen to nought" is not said. On conclusion of "O God, the Saviour," we say: "The lilly of Jacob", then "Happy are they", then "A redeemer shall come", then the entire *kaddish* including: "May the prayers and supplications". The phylacteries should not be taken off until after the *Megillah* is read. If there is a circumcision it takes place before the *Megillah* is read.

23. In a city that had been surrounded by a wall since the days of Joshua the son of Nun, it is read on the fifteenth. But this is not found in our countries.

CHAPTER CXLII.

Laws Concerning the Sending of Portions, Gifts to the Needy and the Purim Feast.

1. It is incumbent upon each to send at least two presents to one person, for it is written: "And of sending portions one to the other" (Esther xviii, 22) which means two gifts for one. And he who exceeds in sending portions to his friends is praiseworthy. Nevertheless it is better to exceed in taking gifts to the needy than to make a great feast for himself and to send portions to friends, for there is no greater and more glorious joy before the Holy One, blessed be He, than to gladden the hearts of the poor, the orphans and the widows. And he who rejoices the hearts of these miserable ones is compared to the Divine Presence, for it is said; "To revive the spirit of the humble, and to revive the heart of the contrite ones" (Is. lvii, 15).

2. By portions is meant only that which may be eaten as it is,

without preparations, such as cooked meat and fish but not raw; or confectionery, or fruit, or wine, or liquid, or the like.

3. Everybody, even the poorest Israelite who accepts charity, is obliged to give at least two gifts to two poor persons, that is one gift to each, for it is written: "And gifts to the poor," which means two gifts to two poor men. One should not be particular when distributing the *Purim* monies, but to everyone who puts forth his hand to take charity, money is given . If one is in a place where there are no poor, he should keep that money until he will come across some poor people, or he should send it to them.

4. Women are also obliged to send portions and make gifts to the needy. The sending of portions should be done by one woman to another, and by one man to another, but as regards gifts to the needy, a woman may send them to a man, or vice versa. Some women are depending on their husbands that they give for them too; this is improper; one should be scrupulous.

5. It is obligatory to eat, drink and be merry on *Purim*. On the night of the fourteenth one should also rejoice and make somewhat of a feast. If it occur on the conclusion of a Sabbath, although one has to make a third meal on Sabbath, he should eat a little less in the day time to leave room for the Purim repast. Nevertheless one does not fulfil his obligation by the feast that he makes at night, as it is a religious duty to make the feast principally in the daytime, for it is written: "Days of rejoicing". It is proper to light candles as becomes rejoicing and Festivals, even when the meal is had in the daytime. On the night of the fifteenth also one should rejoice somewhat. Portions to one's friends and gifts to the needy, should be sent in the daytime. And because people are busy sending out portions, a part of the repast is had in the night time. The afternoon Prayers are said while it is yet broad day, and the feast is held after the Afternoon Service, at least the greater part of it should be held while it is yet day. When it occurs on a Sabbath-eve it is held in the morning in honor of the Sabbath. It is well to engage in the study of the Torah for a short time before beginning the feast. A support to this view is found in the verse "For the Jews there was light" (Es. viii, 16), and we explain that *light* refers to the Torah. Some say that it is proper to eat seeds on *Purim*, in memory of the seeds that Daniel and his comrades ate in Babylon, and also in memory of the seeds that Esther had eaten. For the Talmud says that "And he advanced her and her maidens for good" (Esther ii, 9) means that he gave her seeds for food.

6. As the whole miracle was occasioned through wine: Vashti was troubled in the wine feast and Esther was put in her stead; also the downfall of Haman was due to wine, therefore the sages made it obligatory on one to become drunk and said: "One is obliged to regale himself on *Purim*", until he should not be able to differentiate between "Cursed be Haman" and "Blessed be Mordecai." At least one should drink more than he is accustomed to of wine or of another intoxicating beverage; one, however, who is of a weak disposition, likewise one who knows that it will cause him to despise some precept, a benediction or a prayer, or that it will lead him to levity, it is best not to become intoxicated; and all his deeds shall be done for the sake of Heaven.

7. A mourner, even in the first seven days of mourning, is obliged to send gifts to the needy and portions to his friends; he, however, should not send anything of a joyful nature. But to a mourner, portions are not sent the entire twelve months, even a thing that is not of a joyful nature. If he is a poor man, it is permissible to send him money or another article that is not of a joyful nature. If only the mourner and one other person are at that place, it is obligatory to send him a gift, in order to perform the precept of sending portions.

8. No work should be done on *Purim*, and whoever does work on that day will never have any success from this kind of work; but it is permissible to be done through a non-Jew. It is also permissible to attend to business, and it is likewise permitted to write even a letter of friendship, one's account, and everything that does not require any close attention. Especially is it permissible to write something for the sake of a religious duty or to perform a religious duty; for the requirements of *Purim*, it is permitted to perform even real labors.

9. The fifteenth of Adar is termed *Shushan Purim*. Neither the Propitiatory Prayers, nor "O God, who art long-suffering," nor "For the Chief Musician" (Ps. xx) is said thereon. It is also forbidden to hold a funeral address and to fast thereon. It is customary to make somewhat of a feast and to rejoice thereon, but "We thank thee for the miracles" is not said, and it is permitted to marry on that day, but on the fourteenth of Adar no marriage should take place, because no joy should be intermixed with another.

10. On the fourteenth and fifteenth of the first Adar, (in a leap year), neither the Propitiatory Prayers, nor "O God, Who art long-suffering", nor "For the Chief Musician" (Ps. xx) is said, and it is forbidden to hold a funeral address or to fast thereon. On the fourteenth somewhat of a feast is made.

CHAPTER CXLIII.

Laws Concerning Honor Due to Parents.

1. One should be very careful about the honor and fear of his father and mother, for the Scriptures compare it to the honor and fear of the Holy One, blessed be He. It is written, "Honor thy father and thy mother" (Ex. xx, 12), also "Honor the Lord with thy substance" (Prov. iii, 9). Again it is written, "Ye shall fear every man his mother, and his father" (Lev. xix, 3), also "Thou shalt fear the Lord thy God" (Deut. vi, 13). We thus see that in the same manner in which He commanded us to honor His great Name and to fear Him, He also commands us to honor and fear our parents. Three partners have a share in man's creation, namely, the Holy One, blessed be He, one's father and mother. (The man provides it with the white substance, the woman with the red substance, and God blows in him the breath of life, the faculty of seeing, hearing and speaking.) When a man honors his father and his mother, the Holy One, blessed be He, says: "I regard them as though I dwelt among them and they honored Me."

2. What is the fear due to parents? One must neither stand in the place appointed for one's father according to his rank, nor in the place reserved for him to pray. One should not sit in the place of one's father's seat in his house. One must neither contradict one's father nor corroborate his words in his presence, even by saying, "It is obvious that father is right." To what degree shall parents be feared? If a son were attired in costly dress and presided over a meeting, when his father or mother came and rent his garments, and struck his head, and spat in his face, he should neither insult them nor feel aggrieved in their presence, nor display anger towards them, but he should remain silent and fear the King who is the King of kings, the Holy One, blessed be He, who had thus decreed. He may, however, seek legal redress for the damage they have caused him.

3. What is the honor due to parents? To provide them with food and drink, with garments and clothing. He should bring them home and take them out. He should provide them with their needs with a cheerful countenance, for even if one should feed them with crammed birds but show them an angry face, he incurs thereby Divine punishment.

4. If his father or mother should be asleep, he should not arouse them, even if through their sleep he will lose much profit, but if the father would profit by being aroused, and if he should not be awakened he would be grieved for the loss of the profit, it is a duty to arouse him as that will make him happy. It is also a duty to awaken one's father to call him to go to the synagogue or for the performance of any other commandment, as all are equally bound to honor the Omnipotent, blessed be He.

5. If the son were in need of something which his fellow-townsmen could do for him, and he knows that they would gratify his desire for his father's sake, even though he also knows they would do it for his own sake as well, he should not say: "Do this for my sake," but rather let him say: "Do it for the sake of my father," in order that it should redound to his father's honor.

6. If his mother told him to do a certain thing which he did, and his father subsequently asked him: "Who told you to do this?" If he perceives that by telling him that his mother asked him to do so, his father's anger would be kindled against his mother, he should not tell it to him, even if he himself thereby incur his father's wrath.

7. A son is bound to stand in the presence of his father and his mother.

8. It is one's duty to honor his parents also after their death, thus if he mentioned their name, within twelve months either in speech or in writing he should say or write: "I am an atonement for his place (i. e., all evil that is to come on his soul should befall me), or her place." And after twelve months (when he has already received his punishment, for the judgment of the wicked is not prolonged to more than twelve months), he should add: "May his (or her) memory be a blessing, in the life of the future world."

9. Even if his father be wicked and a sinner, it is proper for him, nevertheless, to honor and to fear him. Some hold that one is not bound to honor his father who is wicked as long as he has failed to repent, but he is forbidden to cause him pain. It is proper to follow the former opinion which is the stricter.

10. If he saw his father transgressing any of the commandments of the Torah, he should not say to him: "Thou hast transgressed the commands of the Torah," but he should rather say: "Father, is it not written thus and thus in the Torah?" as though asking for information, and not as though he admonished him; the father will thus take the hint without being put to shame.

11. One should not hearken unto his father when he tells him to transgress a commandment of the Torah, whether it be a positive or a negative commandment or a Rabbinic injunction. For it is written: "Ye shall fear every man his mother and his father, and my Sabbaths shall ye observe; I am the Lord your God" (Lev. xlx, 3). Sabbath is mentioned in conjunction with the fearing of the father and mother, to indicate that although I commanded you to fear the father and the mother, yet if he tells you to violate the Sabbath you shall not listen to him, and so it is true concerning other precepts, for I am the Lord your God, and both you and your father are obligated to honor me, therefore you must not listen to him to disregard My word. Thus, if his father tell him that he should neither speak to, nor forgive a certain person to whom the son wishes to be reconciled, he should not pay heed to his father's command, as it is forbidden to hate any Jew, unless he saw him transgressing a com-

mandment; in such case then, the father tells him to transgress a law of the Torah.

12. If the son desires to go to some place to study the Torah, for he thinks that there he will be more successful than in his own town, and the father does not consent to it for some reason, he is not bound to listen to his father, for the study of the Torah is greater than the honoring of father and mother. (As we find in the case of Jacob our father, of blessed memory, that when he went away from Isaac, he hid himself in the college of Eber for fourteen years, and there engaged in the study of the Torah; thereafter he went to the house of Laban and there, including the time it took him to cover the journey, he stayed for twenty-two years. For these twenty-two years in which he did not fulfill the precept of honoring his father, he was punished, and Joseph was taken away from him for twenty-two years; but for the fourteen years that he had spent in studying the Torah, he was not punished). If the son desire to marry a woman and the father does not consent to it, the son is likewise not bound to obey him.

13. To honor one's parents is the duty of both man and woman, with the exception of a married woman, who by virtue of her marriage is responsible to her husband, therefore she is exempt from the duty of honoring her parents. Yet it is incumbent on her to do all she can towards fulfilling that commandment if her husband be not particular with her in this matter.

14. Whoever puts his father or mother to shame, even if only by words or only by a hint, is included among those whom the Almighty has cursed, as it is said: "Cursed be he that dishonoreth his father or his mother" Deut. xxvii, 16).

15. If the father or mother had a splinter, the son is not allowed to remove it, lest he make a wound thereby (for which the punishment of strangling is meted out). If the son be a physician he is not allowed to let them bleed nor perform an operation on them, although he intends to cure them therewith. The above is true only where there is another to do this, but if there be no other one and they are suffering, he is allowed to let them bleed and cut as much as is necessary for healing purposes.

16. If one's father or mother become demented, the son should make an endeavor to act with them in accordance with their understanding until the Lord wil have mercy on them. However, if he be unable to bear it any longer because their condition is grave, he may abandon them and delegate others to give them the proper treatment.

17. One is forbidden to place a heavy yoke upon his children and to be too exacting with them in matters relating to his honor, so that he should not thereby cause them to stumble. He should rather overlook their shortcomings and forgive them, as a father can allow his son to neglect the acts of honor due to him, and the son may avail himself of this permission.

18. One is forbidden to chastise his grown up son, and in this regard it does not depend on the son's age, but it all depends upon his nature; if he has reason to apprehend that the latter will defend himself by

opposing him either in speech or in action even if he is not thirteen years old, but he should rebuke him in words. He who beats his grown-up child should be excommunicated, because he transgress the commandment "Thou shalt not put a stumbling-block before the blind" (Lev. xix, 14).

19. It is incumbent upon a man to honor his step-mother during his father's life-time, and his step-father during his mother's life time. It is highly proper to honor his step-mother or step-father, even after the death of his own parents.

20. A man is bound to honor his elder brother, whether from his father's or his mother's side. A man is likewise bound to honor his father-in-law (as we find in the case of King David, of blessed memory, who honored King Saul because he was his father-in-law, and he said to him; "See, my father, even see"). One is bound to honor his father's father, only that the honoring of his father is greater then the honoring of his father's father.

21. He who truly desires to honor his father or mother, should occupy himself with the study of the Torah and with good deeds, for this is a great honor to his parents, of whom people will say: "Happy are the parents who brought up such a son," but if the son go not in the right way his parents bear a reproach on his account, and he disgraces them in the most infamous manner possible. A father who is desirous of being compassionate with his children should go in a good upright way so that his children may learn from him, and they also are honored through him. But the offspring of one who perverts uprightness and chooses evil will take after him and will also choose the evil way, and will die in the sins of their fathers, as it is written: "Visiting the iniquity of the fathers upon the children" (Ex. xx, 5). There is no cruelty more atrocious than this, for he causes his children to die on account of his sins. There is no greater compassion upon children than that of the righteous, for his merit holds good for a thousand generations.

22. A proselyte is forbidden to curse or to despise his non-Jewish father so that they should not say: "We came from holiness which is grave unto a holiness which is light." But he should treat him with some degree of respect.

CHAPTER CXLIV.

Laws Concerning the Honor Due to One's Teacher, to the Aged, to a Scholar, and to a Priest.

1. The honor and reverence due to one's teacher is more obligatory than that due to one's father, because his father has brought him to the life of this world, and his teacher has brought him to life of the world to come.

2. It is written: "Thou shalt rise before the hoary head, and honor the face of the old man" (Lev. xix, 32). The signification of "Old

man" is as man versed in the Torah as it is written: "Gather unto me seventy men from the old men of Israel", and there surely it depends upon wisdom not upon age, as it is written: "Whom thou knowest to be the elders of the people and its officers". Therefore it is mandatory to rise for a man learned in the Torah although he is not old and he be not his teacher. It is also mandatory to rise before an old man seventy years of age, even if he is an ignoramus, providing he is not wicked. Even an old heathen should be honored with words and should be given a supporting hand.

3. When three go together on the way and one of them is a Rabbi, he should walk in the centre whilst the other two should each fall back and walk on each side of him, the elder on his right, and the younger (or less important person) on his left.

4. It is a great sin to despise or to hate men versed in the Torah. Jerusalem was not destroyed before they despised the scholars, as it is said: "But they mocked at the messengers of God, and despised his words, and scorned his prophets" (II Chron. xxxvi, 16), i. e., they despised those who teach His word. This is also what the Torah had said: "And if my statutes ye despised" (Lev. xxvi, 15), you despised those who teach my statutes. Whoever despises the sages has no share in the world to come, and he is included in: "Because the word of the Lord hath he despised" (Num. xv, 31). It is forbidden to make servile use of a student of the Rabbinic Law.

5. If a scholar has merchandise to sell, no man is permitted to sell that kind of merchandise until the scholar has sold his. This is only true when there are no non-Jewish sellers, but not where there are some non-Jewish sellers, for the scholar then has no benefit out of that, and we do not make others lose money in vain.

6. He who is known to be a scholar in his generation, that is he is competent to discuss the Torah and comprehends most of the places in the Talmud and the codes of law, and study is his main occupation, even if he has some profession or some business wherefrom he earns just to support his family but not to amass wealth therefrom, and whenever he is not engaged in his business he studies the Torah, according to law such a man is exempt from all kinds of taxations and assessments, even though he be rich. Even the personal tax which every individual is bound to pay, should be paid for him by the town people. And it all depends upon the discretion of the leaders of the town .

7. A scholar who slights the commandments and is not God-fearing is like the most worthless fellow in the community.

8. If a Priest and an Israelite are equally learned, it is a positive precept of the Torah to give the Priest the prerogative, for it is written.

"And thou shalt sanctify him," and the Rabbis, of blessed memory, explained, in every matter of greatness, he shall be sanctified, i. e., he should be called first to the reading of the Torah, he should be the first speaker at every public gathering, at college too, he should be the first speaker. At a meal he should be the first to say the benediction over the bread and to say grace after the meal. He should be given the first respectable portion, unless there be an Israelite more learned than he, then the latter gets the first respectable portion. But if the Priest has some partnership with an Israelite, he need not give him the respectable portion, for it is not honorable for him to take such a portion, for the one who envies the respectable portion will never see a sign of blessing. In a place where there is no Priest, it is best to give precedence to a Levite over an Israelite, if they are equally learned.

9. It is forbidden to make servile use of a Priest even nowadays, and it is considered like the committing of a trespass against the holy things, for it is said: "And thou shalt sanctify him; for the bread of thy God doth he offer" (Lev. xxi, 8). Even nowadays that we have no sacrifices, the Priest still retains the same sanctity. If the Priest does not stand on his dignity, it is permitted, for the Priesthood is his, and he may not stand on his dignity and grant permission to an Israelite to make use thereof. Especially may he bestow honor upon an Israelite by giving him the precedence in all things mentioned above.

CHAPTER CXLV.

Laws Appertaining to Marriage.

1. A man is duty bound to take unto himself a wife in order to fulfill the precept of propagation. This precept becomes obligatory on a man when he reaches the age of eighteen; at any rate he should not pass his twentieth year without taking a wife. Only in the event when he is engaged in the study of the Torah with great diligence, and he has apprehension that marriage may interfere with his studies, he may delay marrying, providing he is not passionate.

2. Having begotten a son and a daughter, he has fulfilled the precept of propagation, providing that the son is not a eunoch and the daughter is not incapable of conception. If a son and a daughter were born to a man and they died, then if they left children surviving them, he has already fulfilled the precept of propagation. This, however, is true only when the grand-children are male and female and were born to the deceased son and daughter, even if to the son was born a daughter and to the daughter was born a son, as long as they descended from his son and his daughter he has fulfilled his obligation. If, however, one of them left no offspring, although the other left a son and a daughter, he has not fulfilled the commandment of propagation.

3. Even if one has fulfilled the commandment of propagation, yet should he not remain without a wife, and, if possible, he should take one who is prolific. However, if he is aware that he is ungenerative, it is

best for him to take a wife who is not prolific. If one has many children and on account of that he is afraid that if his wife should be prolific, quarrels and dissentions may arise between the children and the woman, he is permitted to marry a woman who is not prolific, but he should not stay without a wife because of this apprehension.

4. If one married a woman and stayed with her for ten years, but she gave no birth, he should divorce her. Concerning this there are many diverse laws.

5. The precept of propagation is not obligatory upon a woman; nevertheless a woman should not remain single, lest she be liable to suspicion.

6. Every man should make an endeavor to marry a respectable woman from a respectable family. By three traits is Israel characterized: by his modesty, his mercifulneess and his practice of charity, and it is improper to form an alliance with one who lacks these distinguishing characteristics.

7. If the woman is respectable, one is permitted to marry her even if his choice is decided by a money considerattion. This is only permissible when the money is given to him voluntarily, but if he defers marriage in expectation of obtaining a wife who will bring him the money he desires, or who had plighted his troth in consideration of the promise that much money would be given him, and who, because of a subsequent retraction of that promise, causes his bride to languish, or quarrels on account of that money, all who act thus are designated (by our Sages) as, "Those who marry for money, will produce evil offspring and will be unsuccessful, nor will they see any good results from the alliance they have formed;" for the money a man takes upon marrying is not money properly earned; but whatever his father-in-law or mother-in-law gives him he shall be contented with, and then he will prosper.

8. An ignorant man should not marry the daughter of a Priest, because such an alliance will be unsuccessful. He who is scrupulous should be particular not to marry a woman whose name is the same as that of his mother's.

9. It is mandatory upon one to marry either the daughter of his sister or the daughter of his brother; but regarding another relative, whether she be related to himself or to his deceased or divorced wife, or if she be related to the woman to whom he gave *Halizah*, he should not marry any of these without consulting the wise.

10. A man should ever be careful to respectably treat his wife, for it is only for the wife's sake that a man's house is blessed; and thus were our sages wont to say to their contemporaries: "Treat your wives honorably in order that you may be blessed with wealth."

11. It is forbidden for one to dwell with his wife without a marriage contract (*K'tubah*). If the contract was lost, one should be extremely careful to go immediately to the Rabbinate and have another contract witten for her.

12. A Priest is forbidden to marry a divorcee, a prostitute, a *hallalah*, and the one to whom *halizah* has been given. A prostitute is one who even was forced to have forbidden intercourse, and a Priest should not marry such a woman. A *halalah* is a woman who was born to a Priest who married a woman whom the law prohibits.

13. Every woman who has either become a widow or who was divorced, should not be married to another husband before the expiration of ninety days, exclusive of the day of the divorce or of the death of her husband, and exclusive of the day of the contemplated marriage. Even if she be a woman who is not prolific, or even if her husband was across the seas or was incarcerated in prison, it is all immaterial; even if she had a miscarriage in the meantime it is of no avail. She is forbidden even to enter into marriage negotiations, unless the proposed husband will take an oath that he will not enter her house during the prohibited time. But he who remarries his divorced wife need not wait such period of time.

14. If the woman be pregnant or she is nursing a child, she should not get married before the child reaches the age of twenty-four months. Even if she gave birth after she had been divorced or she had become a widow and did not comence to nurse it, she nevertheless has to wait. If there be a very important matter involved in it, she should consult a sage.

15. A woman whose former two husbands have died should not get married to a third one without consulting a sage.

16. A woman who heard that her husband had died somewhere, even if she heard it from many trustworthy men, she should not get married without consulting a sage.

17. If a married woman was suspected of committing an adulterous act with a man and her husband divorced her, or if he died, she is not allowed to be married to the suspected person, for just as she is forbidden to her husband so is she forbidden to the suspected person. Even if her husband divorced her because he heard of the improper thing she has done with the suspected person, such suspected person is forbidden to marry her.

18. He who was suspected of having intercourse with a non-Jewess, and she thereafter converted herself, is not permitted to marry her.

19. If a non-Jew has intercourse with a Jewess, and thereafter he converts himself, he is not allowed to marry her.

20. If one divorces his wife with the understanding that she marry someone else, although he did not expressly make such a condition with her, but it is obvious that he divorced her for this reason, that man is forbidden to marry her.

21. With those women, whom the Rabbis, of blessed memory, forbid one to marry, one must not even dwell in the same alley.

22. If one heard a rumor that his wife had committed an adulterous act, although he is uncertain about it, must consult a sage whether or not he may dwell with her.

23. A respectable man should not marry a woman who was divorced because of impudence.

24. An ill mannered woman who is of a quarrelsome disposition and is not as modest as the respectable woman of Israel should be, it is mandatory to divorce her, be it even from the first marriage.

25. It is one of the mandates of the sages that a man shall give his sons and daughters in marriage immediately they approach maturity, lest, if he neglect them, they may come to the commission of adultery or to the thinking of it, and concerning it, is said: "And thou shalt visit thy habitation and shalt not sin." The sages likewise commanded the children of Israel, that whoever sees that his wife conducts herself in an improper manner and that she is familiar with other men, he should admonish her and warn her privately and with gentleness and in a proper manner, so that he remove "a stumbling block" from her path. But he should not tell her expressly: "Do not make secret appointments with this or with that man," even in private (for since nowadays we have no ceremony of giving the "water" to an unfaithful woman (Num. v, 12-31), it causes a great deal of confusion). He who is not particular about his wife and his children of his household, and fails to warn them and to always examine their conduct until he is convinced that they are perfect without any sin or iniquity, is called a sinner, for it is said: "And thou shalt know that peace be thy tent, and thou shalt visit thy habitation and not sin" (Job v, 24).

26. It is forbidden to perform the marriage ceremony for two brothers or two sisters on one and the same day, because one joy should not be made to interfere with another. Some authorities even hold that it is forbidden to be made in one week, and they infer this from our father Jacob, for it is written: "Fulfil the week of this one" (Gen. xxix, 27).

CHAPTER CXLVI.

The Customs Prevailing Concerning the Fast of the Groom and the Bride

1. It is customary for a groom and a bride to fast on their wedding day, because on that day their sins are atoned, and to say: "O answer us" etc., in the afternoon service, as on any other fast-day. It is the prevailing custom in our lands that they fast only until after the nuptial ceremony is over. If the ceremony was delayed till the night-time, they may eat something immediately after the appearance of stars, but they should not drink any intoxicating beverages.

2. On the New Moon, on the day following the Feast of Weeks, on the fifteenth day of Ab, on the fifteenth day of Sh'vat, on *Hanukah*, and on *Shushan Purim* they do not fast; but during the month of Nissan, even on the New Moon of that month, they do fast. They must likewise fast on the thirty-third day of the *Omer*, on the days that intervent between the New Moon of Sivan and the Feast of Weeks, also between the Day of Atonement and Feast of Tabernacles.

3. On the days they need not fast, they should be careful not to indulge too freely in food or drink, and how much more should they abstain from intoxicating beverages for according to the opinion of some authorities the sole reason the fast is had on that particular day is because of the apprehension lest they become intoxicated and their minds would not be quiet).

4. It is essential that the groom and the bride, upon entering the nuptial ceremony, purify themselves (before God), by repenting of their sins on that day, by reviewing all their deeds from the day of their birth up to that day, by confessing their sins, and beseech Him, blessed be His name, to grant them pardon, forgiveness and atonement. They should confess and forsake their evil deeds and regret until they are heart-broken over it. They should firmly resolve thenceforth to devote themselves to the worship of God, truly and sincerely, and to be holy and pure, and thereafter they should enter under the nuptial canopy and pray unto the Holy One, blessed be His name, that He may make His divine presence rest among them, as the wise, of blessed memory, said: "The Divine Presence rests between a husband and his wife. It is customary that at the Afternoon Service they say Confession, as is done on the even of the Day of Atonement.

CHAPTER CXLVII.

The Customs of the Nuptial Ceremony.

1. It is customary to make the canopy in the open skies as a sign of blessing, for it is written: "Thus shall thy children be, like the stars of heaven." It is likewise customary to make the wedding at full moon, as a sign of blessing.

2. It is proper not to make the wedding before she cleanses herself, but now the prevailing custom is not to be particular about it. Nevertheless it is best to notify the groom before the ceremony that she is menstrually unclean.

3. It is customary in our lands that at the espousal of a maiden the important personages of the town place a veil on the head of the bride and bless her thus: "Our sister, be thou a mother of tens of thousands." Under the term *hupah* it is generally understood to mean the fact that thereafter a curtain is spread upon poles, and the groom and the bride are then led underneath in public, there he consecrates her to himself, and there the benedictions of betrothal and wedding are expressed. In reality, however, the most essential requisite of the *hupah* is the privacy as explained in the chapter that follows.

4. The groomsmen put a Kittel (a white robe) on the groom so that he becomes mindful of the day of death and wake up to repentance. It is also customary to place ashes on the head of the groom, at the place where the *t'philin* are generally placed. It is likewise customary that the parents and relatives of importance bless the groom and the bride and pray that their union may be successful.

5. Thereafter they lead the groom under the canopy (consisting of a curtain placed on poles which we call *hupah*) and they place him facing the East, the cantor chanting according to the custom of the place. Then the bridesmaids lead the bride, and the groomsmen together with men of importance go forward to meet her, and as they approach her they return to the canopy. The bridesmaids bring the bride under the canopy, and together with her walk around the groom seven times, the cantor chanting whatever is customary there. Thereafter the bride is placed to the right of the groom, and the one who pronounces the benedictions stands sidewise with his face towards the East.

CHAPTER CXLVIII.

The Privacy Following the Nuptial Ceremony.

1. The most essential requisite of the nuptial ceremony is that after the rite of consecration the groom and bride are led into a private room, where they eat together in privacy. It should be scrupulously guarded that no one enter therein, in order that there may be perfect privacy. This ceremony constitutes the rite which consecrates her, and is the validation of the espousals.

2. This communion ratifies the marriage contract where the bride is a virgin, even if not adapted for consummation, as for instance she is menstrually unclean, or there are people going in and out. (And when she is menstrually unclean it is necessary that people should go in and out, for otherwise they are not allowed to have communion before the first cohabitation) .

3. Where the bride is a widow, the only communion that ratifies the marriage is one which is adapted for consummation, that is she must be clean, and no one enters in the room.

4. No contract may be made on the Sabbath, therefore if the wedding ceremony took place on the Sabbath-eve, care should be taken to have it ratified by communion before the Sabbath sets in. This ratifying communion having taken place while yet day, he may have the first intercourse with her on the Sabbath, whether she be a virgin or a widow. But if the ratifying communion did not take place while yet day, he is forbidden to have the first intercourse on the Sabbath, for this constitutes the ratification of a contract, and no contract can be ratified on the Sabbath. (As to the laws regarding the cohabitation of a virgin, vide Chapter cvlii, infra).

CHAPTER CXLIX.

Laws Concerning the Benedictions at Weddings, and the Precept of Enjoying the Groom and the Bride.

1. Before saying Grace in the company of ten, the one saying Grace should say: "Banish, O Lord, grief", etc., and say: "In whose abode is joy," and then conclude: "*Sheochalnu mishelo*" (of whose bounty we have partaken) without adding a *Vav*, not "*V'sheochalnu mishelo*" (and of whose bounty we have partaken). After Grace one takes a second glass over which he pronounces six benedictions; thereafter over the

glass with which he said Grace he says the bendiction: "Who createst the fruit of the vine," and it is best not to fill the cup for the six benedictions before the conclusion of Grace. Care should be taken that no men and women should eat in the same room, because if men and women do eat in the same room, "In whose abode is joy" cannot be said, for there is no bliss where the evil inclination reigns.

2. A bachelor when marrying a maid or a widow, or a widower when marrying a maid, the Grace should so be said after having partaken of the first meal after the wedding, even if it were not eaten during the day but at night following the day of the wedding, or even on the day following (for the first meal is considered in law as if new visitors had come), but after the first meal and also during the entire seven days of the repast, if new visitors come the Grace should be so said.

3. If there are no new visitors, then if no members of the groom's friends eat with him but strangers who simply celebrate because of friendship, "Danish, O Lord, grief" etc., is not said, but we say: "We shall give thanks to Thy name" etc., "in whose abode is joy." After Grace one takes a second glass and says the benediction: "Who hast created joy and gladness" etc. Thereafter he takes the glass of the Grace and says over it: "Who createst the fruit of the vine." For the foregoing formula, the presence of ten is not required, only three being sufficient. But if the groom dines only with his family none of the above should be said.

4. In the case of a widower marrying a widow, if the first meal is eaten on the day of the wedding, only the meal lasted till the night, the Grace should be said as provided for in section 1; but if they did not eat until night, then if there are men present who partake because of friendship, Grace should be said as provided for in section 3 (even if there are new guests); this likewise is true of all meals partaken of during the first three days.

5. "New guests" is when one had just arrived to participate in their joy, even if he does not eat with them, and they manifest a desire to increase the conviviality for his sake. Sabbaths and the first day of Festivals are subject to the same laws regulating new guests. And this is only true with regard to the first or the second meal (to be eaten on the Sabbath), but the third meal is subject to the same law only when the groom delivers a sermon (on some learned topic of law).

6. If one had invited the groom and the bride to a feast at his house, then if he assigned a separate room for them where they could uninterruptedly rejoice in each other's company, it is considered as a part of their wedding celebration, and the seven benedictions should be pronounced, otherwise not even the benedictions "Who hast created," and "In whose abode is joy" should be said.

7. Those who have attended the ceremony of the wedding, even if they are afterwards separated into many groups, and even if they feast in rooms whose doors do not open into the room where the groom is, nevertheless each group should pronounce these benedictions, inasmuch as they have partaken of the feasts prepared for the wedding; but the waiters who eat after the feast is over, need not pronounce these benedictions.

8. At the remarriage of a divorced couple the words: "In whose abode is joy" should be omitted, and the seven benedictions should be said only at the first banquet that takes place on the wedding day, but henceforth none of the benedictions should be pronounced.

9. It is a religious duty to make the groom and the bride rejoice, also to dance before the bride and to say that "she is beautiful and graceful" and we find that Rabbi Judah b. Illai used to dance before a bride.

10. It is forbidden to look into the face of a bride, but it is permissible to look at ther adornments and at her uncovered head.

11. Some are accustomed that when the bride is menstrually unclean at the wedding that thereafter on the night of her immersion, they make a feast and invite other people to participate. This is an improper custom and it should be abolished on account of chastity, but this custom should not be interfered with when they only make a small feast for the household and say at Grace "In whose abode is joy;" but it is forbidden to say the seven benedictions except in the manner hereinbefore provided.

12. He who espouses a maiden should rejoice with her seven days, and these are called the seven days of the repast. The groom should abstain from work and he should not buy and sell in the market place, but he should eat and drink and rejoice with her, whether he is a bachelor or a widower; even if she releases him, he is nevertheless forbidden to do work. The groom should not walk out alone in the market place. However, if one marries a widow or a divorced woman, all agree that the rejoicing is required to last only three days; but if he is a bachelor, some authorities hold that he must rejoice with her seven days, since the benedictions are pronounced for his sake only. Nevertheless in this particular instance the woman may relinquish her right to rejoicing.

13. He who has taken a wife is required to stay in town for an entire year, in order that he may rejoice with her, for it is said: "He should not go out with the army; clear shall he be to his house for one year and rejoice with his wife he had taken." The woman may, however, relinquish such right.

CHAPTER CL.

Laws Concerning Chastity.

1. It behooves a man to become accustomed to super holiness, purity of thought and proper frame of mind when having intercourse. He should not cohabit in a spirit of levity with his wife, nor should he befoul

his mouth with ribald jests even in private conversation with her; for the Scripture says: "And telling a man of his conversation," of which the Rabbis, of blessed memory, said that on the day of judgment one is reminded even of a light conversation had with his wife even in privacy. He should not hold any conversation with her either at copulation nor immediately before it, excepting in matters directly needed for the copulation. However, if he was in an angry mood, when he is forbidden to have intercourse with her, he may speak to her kind words in order to appease her. He should have intercourse in the most possible modest manner; he underneath and she above him, is considered unchaste; both at one and the same time, is considered an improper way. It is told by Rabbi Eliezer that he used to have cohabitation with such awe and fear that it appeared to him as if a demon was forcing him to do it.

2. When having intercourse one should think of matters of the Torah or any holy subject, and although it is forbidden to utter the words with the mouth, yet thinking is permissible, even meritorious, for as far as this is concerned thinking is not considered as utterances. Although regarding filthy alleys it is forbidden to even think there of holy matters, this is because it is required that thy "camp be holy", but where the prohibition is based on shamefulness (nakedness of body), since it is written "*Ervath dabar*," the Rabbis, of blessed memory, inferred from this that only speech is forbidden, but thinking is permissible.

3. It is forbidden to have intrecourse by the light of a candle, even if the light is shut out by means of a garment, but it is permitted if he makes a partition ten hand-breadths high in front of the candle. It is also forbidden to have intercourse during the day, unless the room was darkened. At night if the moon shines directly upon them it is forbidden, but if it does not shine directly upon them, although it shines in the room, it is permitted if that light is shut out by a garment. If the candle is burning in another room and gives light to that room, one is likewise required to shut that light out by means of a garment.

4. It is forbidden to have intercourse in the presence of any person who is awake, even if there be a partition ten hand-breadths high between them. It is permitted, however, in the presence of a child who is unable to talk.

5. It is forbidden to glance at that place, for whoever glances there possesses no shamefulness and violates "Being chaste", and removes disgrace from his face; for the one who is bashful is not apt to sin, as it is written: "And for the sake that His fear may be before ye", and this means, be bashful so that you sin not; again by this he invokes the evil inclination upon himself. Certainly one who kisses that place violates all this, and likewise violates: "And ye shal not make your souls abominable."

6. It is forbidden to have intercourse in a room where a scroll of the law is found, but it must not be taken out into a different room. If there is no other room, he must make a partition ten hand-breadths high in front

of it; this partition must be opaque so that the scroll should not be seen through it; the curtain around the bed is not considered a partition, since it is loose, unless he fastens it at the bottom. Concerning *t'philin*, Bibles and other holy writings, such as the Talmud, Midrashim and their commentaries, whether they be written or printed, he should place them in a vessel within another vessel. And only when the second vessel is not especially designed for such holy works, but if they are especially designed for such purpose, be they even ten in number, they are always considered like one only. If he spread a cover on the closet wherein these books were contained it is considered like a vessel within a vessel. If the *m'zuzah* is affixed on the inside of the room, it must be covered with two coverings in order that it should be considered as a vessel within a vessel. The Name should also be covered, and the glass covering is of no avail because it is required that it be not transparent.

7. One should not be unduly familiar with his wife, excepting at the time regularly appointed for the performance of his marital duty, as it is written: "And her duty of marriage shall he not diminish." Men of strong constitution who enjoy the pleasures of life, who have profitable pursuits at home and are tax exempt, should perform their marriage duty nightly. Laborers who are employed in the city where they reside, should perform their marital duty twice weekly, but if they are employed in another city, once a week should be appointed for the performance of their marital duties. Merchants who travel into villages upon asses to bring grain to be sold in town, and people like them, should perform their marital duty once a week. They who convey baggage on camels from distant places, should have an appointed time once in thirty days. The time appointed for the learned men is from Sabbath Eve to Sabbath Eve. One is obligated to perform his marital duty also when she is pregnant or nursing. One should not deprive her of her rights unless by her consent, and when he already fulfilled the obligation of propagation. If he deprives her thereof to distress her, he violates a negative commandment, for it is written: "And her duty of marriage shall he not diminish."

8. It is the duty of every man to visit his wife on the night she had performed the ceremony of immersion, also on the night preceding the day that he is about to set out on a journey, unless he goes out on a sacred mission. When one observes his wife making an endeavor to please him and making herself attractive in his presence so that he should pay his attention to her, he is bound to visit her even when not at the time appointed for the performance of the marital duty, and their descendants will then be worthy. However, if she made a verbal proposal, she exhibited a brazen shamelessness, and she is considered like an adulterous woman whom he must not keep.

9. Also upon having intercourse, he should not have it as his intention for his personal gratification, but as one who must fulfil his obligation that he owes in performing the marital duty, and to fulfil the command of his Creator that he have children among Israel engaged in the study of the Torah and perform the precepts of God. It is also proper to have it as his intention to improve the embryo; for our Rabbis, of blessed memory said: "The first three months (of pregnancy), cohabitation is harmful to the woman as well as to the child; during the three middle months, it is harmful to the woman and good for the child, and during the

last three months, it is good for the woman as well as for the child, for because of this the child will come out clean and fast. If it be his intention to check himself therewith so that he have no desire to sin, for he feels that the evil inclination has gained the upper hand and he longs for that, for this he will likewise receive reward; but it would have been better for him to turn down his evil inclination and to subdue it, for there is a small limb that a man has which makes him hungry when satiated, and make him satiated when hungry. However, the one who has no need for it, but simply awakens his lust in order to satisfy it, is following the counsel of the Satan.

10. If possible a man should be careful not to have cohabitation either at the beginning of the night nor at the conclusion, only in the middle. One should not touch his penis even for the sake of cohabitation unless he wash his hands properly, i. e., three times alternately, as explained in Chapter II.

11. It is forbidden to have cohabitation in market places, on public squares, in gardens or in orchards, and is permitted only in dwellings, in order that it resemble not fornication.

12. If there is a famine in the land, God forbid, i. e., grain has advanced to double its price, although he has plenty of grain in his house, or if there is, God forbid, some other distress in the land, one is forbidden to have intercourse unless on the night of her immersion. They who are childless are permitted to cohabit at any time.

13. One should not consort with his wife unless it be with her consent, but when she does not consent thereto he may not consort with her, and it is certainly forbidden to force her. Nor should one have intercourse with her when he hates her or when she hates him and she tells him that she does not require his attention, although she does consent to cohabitation. If he had determined upon divorcing her, and she is not aware of it, he is not permitted to cohabit with her even though he does not hate her. Nor should one have intercourse with his wife when she is actually asleep, or while he or she is intoxicated.

14. A guest is forbidden to have intercourse with his wife, but it is permissible when a separate room was assigned for himself and his wife, providing he does not sleep on the sheet belonging to the host.

15. According to the rules of hygiene one should not have intercourse while being satiated or while being hungry, only when the food was thoroughly digested by him. One should not have intercourse while standing, nor in a sitting posture, nor on the day he had a bath, nor on the day he had cupping, nor on the day he is going to or coming from a journey walking on foot, and not before the above nor thereafter.

16. One should not cohabit with his wife in a bed where an infant less than one year old lays at their feet, nor should he cohabit within an hour after having left a privy. A nursing woman should not minister as

wife excepting at the time when the infant is asleep; nor should she nurse the child until after two-thirds of an hour, unless the child cries.

17. Semen is the strength of the body and the light of the eyes, and when it effuses in abundance the body weakens and life is shortened. He who indulges in having intercourse ages quickly, his strength weakens, his eyes grow dim, a bad odor proceeds out of his mouth, the hair of his head, eye-lashes and brows fall out, the hair of his beard, arm pits and feet increase, his teeth fall out, and many other pains besides these befall him. The learned physicians said that one out of a thousand die from other diseases, while one thousand die from excessive cohabitation; therefore a man should be very careful about it.

CHAPTER CLI.

The Crime of Causing the Effusion of Semen in Vain; and Remedies for Those Who were caught in this Trap.

1. It is forbidden to cause in vain the effusion of semen, and this crime is severer than any of the violations mentioned in the Torah. Those who commit fornication with their hands and cause the vain effusion of semen, not only do they violate a grave prohibition, but they are also to be banned; and concerning them it is said: "Your hands are full with blood" (Is. i, 15); and is analogous to the killing of a person. See what Rashi wrote concerning Er and Onan in the section of *Vayeshev*, that both of them died for the commission of this crime. Occasionally as a punishment for this children die while young, God forbid, or they become wicked, while he himself becomes poverty-stricken.

2. One is forbidden to willingly harden himself or to bring to himself the thought about women. If it does come to one, he should divert his attention from trivial matters to matters of the Torah which is a favorite wife and full of grace. The thought of fornication only comes into a mind devoid of wisdom. A man should be very careful to avoid hardening himself, therefore it is forbidden to sleep on one's back with his face upward, or to sleep with his face downward, but sleep on the side, in order not to come to hardening himself. Two bachelors should not sleep together. One should not look when either animals, beasts or fowl have intercourse; and it is also forbidden to ride on an animal without a saddle.

3. When urinating it is forbidden to hold the penis while urinating. If he is married and his wife is in town and she is clean, it may be permitted, for since he has the possibility, he will not think of intercourse,

neither willl he become heated up, but it is nevertheless the manner of the pious to be stringent about it. When not for the purpose of urinating, it is forbidden according to law.

4. At supper one should neither eat nor drink excessively and should not eat anything that warms up the body, such as fat meats, or any fat food, or cheese and eggs and garlic. Neither should he drink any beverage that tends to heat the body, for all these things cause the commission of this crime.

5. Whoever observed a pollution at night, God forbid, shall, upon waking up in the morning, wash his hands and say with a broken heart: "Master of the world, I have done it unintentionally, and it was only due to evil thought; may it therefore be Thy will, O my Lord God and the God of my fathers, that Thou erase with Thy great mercy this iniquity, and save me from evil thoughts and the like for ever and ever; Amen! so may it be Thy will."

6. He who desires to keep himself from this sin should guard his mouth against obscene talk, lies, slander, calumny, scourning, and should likewise guard his ear against hearing such things. One should also be careful to fulfill his vows and not to worry too much, and to keep away from evil thought. Before retiring he should engage himself with the matters of the Torah, or he should recite the first chapters of the Psalms; and he should be careful not to sleep alone in a room.

7. Remedies for the one who was caught in this act are provided for in the book entitled Y'sod Joseph which was copied by the author from various holy books and from ancient authorities. I will only give here some of them briefly: He should make an endeavor to be Sandek, i. e., that children be circumcised on his knees; especially should he try to act as such by poor people; he should increase the giving of charity to the poor; to observe the Sabbath as is required by law, to honor it, and to light many candles; to honor and love those who study the Torah; to pray with devotion and weeping; to become humble, and when even hearing somebody insulting him he should remain quiet and forgive him; when performing a religious duty he should do it energetically and with haste so that his entire body be heated up, especially so when preparing *Matzoth* for Passover; to raise his children in the study of the Torah and teach them to be God-fearing; to raise an orphan in his house and treat him the way he treats his own children: and engage himself in the religious duty of wedding ceremonies; he should be called to the Torah at least once a month and pronounce the benedictions in a loud voice, also look into the Torah and read silently with the Reader; to be one of the first ten who come to synagogue; to awake in the midst of the night to perform the ceremony of weeping for the destruction of the Temple, and if he is unable to rise at midnight, he should perform this ceremony thereafter; to love peace and pursue peace.

CHAPTER CLII.

Laws Forbidding the Being Alone with Women, and Other Familiarities with them.

1. One is forbidden to be alone with any woman, whether she be a Jewess or a non-Jewess, whether she be related to him or not, with the exception that a father is permitted to be alone with his daughter, and a mother with her son, and a husband with his wife even if she is menstrually unclean. (Concerning a bride who is menstrually unclean, vide Chapter clvii, infra).

2. If one is accompanied by his wife, he may be alone also with another woman, because his wife watches over his conduct. But a Jewess shall not be alone with a non-Jew although his wife be present, even if there be many non-Jews with their wives she should not be alone with them.

3. One woman may be alone with two virtuous men, but in a town and in the daytime; but in the field or at night even in a town, it is necessary that there be three virtuous men. A woman should never be alone with immoral men, no matter how many they are, unless their wives be with them. One man should not be alone with two women; some permit with three or more women if his vocation or merchandise is not especially designed for women. Some authorities prohibit it in any event.

4. One need not scruple to be alone with a woman whose husband is in town, because the fear of her husband is upon her.

5. One is not forbidden to be alone with a woman, in a room whose door opens upon the public thoroughfare, during the day or in the early part of the night as long as there are people passing to and fro. However a woman should not be alone with an intimate friend, as for instance with one to whom she is related or with whom she grew up, or with one concerning whom her husband warned her against being alone in his company; with any of the foregoing she should not be alone even if her husband is in town, and even in a room whose door opens upon a public thoroughfare.

6. It is permissible for a man to be alone with a female child if she be less than three years old, also for a woman to be alone with a lad who is less than nine years of age.

7. He who has no wife shall not be a teacher for minors, because their mothers visit the school and thus he will be alone with them. There is no need that his wife live with him at school, but as long as she is in town, even if she be in the house and he be at school. But a woman shall not teach children even when her husband is in town, unless he lives with her in the same house, because of the fathers who bring their children.

8. A man should ever avoid women, thus, he should not make gestures either with his hands or feet, nor wink to them, nor jest with them, nor to act with levity in their presence, or to gaze at their beauty. It is forbidden to scent the perfume especially designed for women, especially so when she holds it in her hand or when it hangs on her. It is forbidden to gaze at the colored clothes of a woman with whom he is acquainted, although the clothes be not upon her lest he come to think of her. If he encounters a woman on the street, he should not walk behind her, but he should run so that she be left either alongside of him or behind him. One should not pass by the door of a harlot even at a distance of four cubits. One who gazes even at the small finger of a woman with the intention of gratifying his desire is guilty of a serious crime; and it is forbidden to hear the voice of a woman singer, or to gaze at a woman's hair.

9. One should not greet a woman under any circumstances, and it is even forbidden to send her regards through her husband. Therefore when one writes a letter to his friend, it is forbidden to write, "Peace to your wife." But one is permitted to inquire of her husband or of someone else of her welfare. It is likewise permissible to write to his friend: "Let me know how your wife is feeling."

10. He who embraces or kisses one of his female relatives, even though he derives no pleasure therefrom, he is violating a prohibition, with the exception of a father and a daughter, also of a mother and a son unto whom embracing and kissing are permissible.

11. One should not manifest his love, even for his wife, as for instance by her examining his head, or the like, in the presence of others, so that the looker-on should not come to bad thoughts.

12. It is forbidden for one to dwell in his father-in-law's house, unless he has a private sleeping room.

13. The great men of Israel, of blessed memory, have already dealt at length in their holy works concerning the contemptible custom prevailing in some places, where the learned in the Torah and the God-fearing are not found, that the people approach to the groom and the bride with embraces and kisses, and boys and girls dance together. Besides the grave crime against contact with a woman in menstrual period, because all maidens are presumed to be menstrually unclean, and it matters not in this regard whether she be a married woman or single and whoever touches her by way of endearment is subject to stripes, he also entices the evil inclination against himself, causes the hardening of himself and the vain effusing of semen, God forbid. And surely he who is able to prevent it should make every endeavor to prevent it. At least it is the duty of every man who is God-fearing to have control over his household and take care that they should not do this extremely abominable thing. Whoever is

able to prevent it and does not do it, he himself will, God forbid, be caught in this very thing, and he who saves others from committing this crime, he saves himself and it shall be good with him.

14. It is permissible and highly proper for one to look at the woman he is to make his wife, to see if she pleases him, but he should not regard her with lascivous eyes; concerning this it is said, "A covenant have I made with my eyes, how can I look at a girl?" (Job. xxxi, 1).

15. If one had divorced his wife, the latter should not reside in the court-yard where he resides, and if he is a Priest, or even an Israelite, but she had married another and was divorced also by the second husband, also if one had divorced his wife, having discovered that she was forbidden to him,—all of the above are required to keep at a great distance from each other, and she is not allowed to live with him in the same alley if it be closed, but if it is an open alley where a public thoroughfare runs through, they are permitted to live there together. A woman who had been divorced and had remarried and was living with her second husband, should keep at a still greater distance from her first husband, and should not reside in the entire vicinity where he resides. In all these cases, she must keep away from him, but if the court belongs to her, he must keep away from her.

16. One is permitted to support the woman he had divorced, and it is even a meritorious act to support her in preference to any other poor person, for it is written: "And from thine own flesh thou shalt not withdraw thyself" (Is. lviii, 7). But he should have no business with her, and he should send her the supplies through an agent.

17. Said Rabbi B'runa in the name of Rab: Whoever sleeps in the room where a husband and wife are sleeping, the scripture says concerning him, "The wives of my people you drive out from their houses of pleasure" (Mic. ii, 9), (because they are ashamed on account of him). And Rabbi Joseph added that the foregoing also applies to a case where his wife is menstrually unclean.

CHAPTER CLIII.

Laws Concerning A Woman Menstrually Unclean.

1. A woman from whose fountain there issued a drop of blood, be it ever so small, be it caused however it may, be it at the natural time for her to see the menstrual flow, after the manner of the generality of women, which is at certain fixed periods, be it at any other time, be it even the result of an accident which had caused the blood to issue from her fountain, she is considered menstrually unclean until she counts the seven clean days and takes the proper bath of immersion. He who cohabits with her is punishable with "being cut off from his people," also she is subject to the same punishment; to touch her in a caressing manner is punishable with stripes.

2. Even if she did not feel the issue of blood from her fountain, but only she found the stain of blood upon her flesh, her chemise, her sheet, or any other place, and she cannot attribute its appearance to any

other cause than an issue from her fountain, she is menstrually unclean. Any woman who finds a stain which although it is not exactly red is still not exactly white, should consult the wise, for there are multitudinous laws bearing on such a case, which have special reference to the largeness or the smallness of the stain, likewise to the causes it may be attributed and the causes it may not be attributed, and there is likewise a distinction as to the time she found it, whether it was on the days she was clean or on the first days of counting the seven day clean period (after menstruation).

3. If a woman feels that her fountain has opened, even though she examined herself immediately and discovered nothing, she is considered unclean; (it is necessary to call women's attention to this, because many women are ignorant of this law). But if she found that some white moisture has oozed out of her body, without any reddish mixture in it, she is considered clean.

4. It is written, "And unto a woman in her menstrual uncleanliness thou shalt not come near" (Lev. xviii, 19); because it is written: "thou shalt not come near" it was explained that any kind of coming near her is forbidden: they should not laugh at each other, he should not carry on with her conversations of levity even about things that bring about sin; but he may be in privacy with her, for since he has had cohabitation with her and she is also not forbidden after the required immersion his evil inclination will not gain the upper hand, and there is no apprehension to be felt that he would cohabit with her when forbidden.

5. He is not permitted to come in contact with her, even with her little finger; he should not hand over anything to her, be it even a long thing, nor should he receive aught from her; he is likewise forbidden to throw anything from his hand into her hand, neither is she permitted to throw aught from her hand into his hand.

6. He is not permitted to eat with her at the same table unless there be something unusual, e. g., there is something separating his dish from hers, a thing that does not generally lie there at any other time; or she should change her place; if they are always accustomed to eat out of the same dish, and now they eat each one in a separate dish, this suffices.

7. He is not allowed to drink of whatever was left in the cup that she drank out of, but if a third party intervened between them, or if it were emptied into another cup, it is permissible. If she had drunk out of a cup and he, unaware of the fact desired to drink out of it, she need not call his attention to the fact that she drank out of it. (If, however, he was aware of the fact that she drank out of it, but he did not know that she was unclean, it would seem that she has to notify him). She is permitted to drink of whatever he left over in the cup. And there are authorities who hold that just as he is forbidden to drink of whatever is left in her cup, so is he forbidden to eat of what is left of her food.

8. He is not allowed to sleep with her in the same bed even if the bed is not especially designed for her and even if each of them are wearing the clothes, and even if each of them has a separate matress. It is forbidden even if they lie in two separate beds but the beds touch one another. If they lie on the ground, they should not sleep facing one another, unless there is a big distance between them. The same applies to a case where they sleep in two separate beds standing alongside of one another, which are at times facing one another; it is advisable to prohibit it although there is some space between the beds, unless such space is big. The husband is forbidden to sleep in the bed especially designed for her, even when she is not present, and she is forbidden to sleep in his bed; but it is not forbidden to sit thereon.

9. They are not permitted to sit on a long bench which swings, but if there is somebody sitting between them it is permissible. They should not ride in one wagon or take a voyage in the same ship if the trip be made for pleasure, e. g., to ride through parks orchards, or the like, but if they travel from one city to another in pursuit of their business it is permissible although they are by themselves, provided they do not touch one another.

10. He should not look at any part of her body which she is accustomed to generally cover, but he is permitted to look at the always uncovered parts although he derives pleasure therefrom. He is not permitted to scent the perfume especially assigned for her, and he is forbidden to hear her sing.

11. It is proper for her to wear special clothes during the days of her uncleanliness so that both of them be ever reminded that she is menstrually unclean. With difficulty was she permitted to powder, paint and adorn herself with colored clothes during her menstrual period in order that she may not become repulsive to her husband.

12. She is not permitted to pour a cup of wine for him in his presence, nor bring it to him, nor set it before him upon the table, nor make the bed in his presence. All these things are, however, permissible not in his presence, even if he knew that she had done it. She is forbidden to pour water for him that he may wash his face, hands and feet, even if the water be cold.

13. Just as she is forbidden to fill the cup for him, so is he forbidden to fill the cup for her; furthermore even to send her the cup of wine especially designed for her is forbidden, be it even a cup over which a benediction had been pronounced.

14. If he is sick and there is none to attend to him besides her, she is permitted to attend to him in a manner whereby she comes in contact with him only by means of some object (not with her body). She may even raise him up, lay him down, and support him, but she should be very careful not to wash his face, hands or feet, or make the bed in

his presence . If the woman is sick, the husband is not permitted to attend to her even without touching her unless in a case of extreme necessity, when it is impossible to obtain someone else to attend to her. If the husband is a physician and there is no other physician as competent as he is, he is allowed to feel her pulse, inasmuch as he does not do it out of longing for or fondness towards her.

15. All the aforementioned laws appertaining to the keping away from one another apply to the seven white days, i. e., the seven days of purity she counts (from the time the flow had ceased), and even thereafter if she delayed the immersion, all the above things are forbidden until she performs the ceremony of immersion.

16. It is customary that a woman during her menstruation period, before the white days, does not enter the synagogue and she does not pray . But on the days of awe, i. e., from the first day *S'lihoth* are said and henceforth, when great multitudes asemble at synagogue and she will worry greatly if not permitted to go there, she is allowed to go there and pray. When her son or daughter gets married, or when she gave birth and the time has come for her to go to the synagogue, or the like, she is permitted to go there.

CHAPTER CLIV.

Laws Concerning the Regulating of the Menses and the Examination Before and After Cohabitation.

1. The menses is established by three consecutive times, i. e,. if she perceived the flow three consecutive times each occurring at the same time, then this time is to be considered by her as the regular time of the menses. There are some women who establish their menses by perceiving the flow on the same day of the month, e. g., when she perceived the flow three consecutive times, each time on the New Moon, then her established menses is on the New Moon, or if she perceived it three consecutive times on the fifth day of the month, then the fifth day of the month is her established day of menses; this is termed, menses regulated by diurnal symptoms, that is on a certain day in the month. Although the number of days between one perception and the other is not alike, for there are months which have only twenty-nine days and there are months which have thirty days, nevertheless since she is accustomed to perceive it on a certain day in the month, this day is her established day of the menses .

2. The majority of women generally establish their menses by equal intermittent diurnal symptoms, i. e., an equal number of days elapse between one perception and the other; e .g. she perceives the flow, then twenty-five, thirty, or thirty-two, or the like number of days, elapse and she again perceives the flow; if three consecutive equal elapses occur, this

is her established menses; this is termed menses regulated by intermittent diurnal symptons. After an equal number of days elapsed, then the day after is her established day of the menses. Since the menses must be established in no less than three times and no interval can be established by less than two perceptions, therefore to establish menses by intermittent diurnal symptoms, it is necessary to have four perceptions; e. g., today she has perceived the flow, then twenty-five days elapsed and she again perceived the flow; then twenty-five days elapsed and she again perceived it; then twenty-five days elapsed and she again perceived; in this instance she perceived the flow four times between which there were three equal elapses, and she thereby established her menses.

3. There are women who have no fixed day when they perceive the flow, neither by diurnal symptoms, nor by intermittent diurnal symptoms, but have some bodily symptoms, e. g., before perceiving the flow she is accustomed to yawn, as one who stretches his arms from weariness, or as one who gapes from drowsiness, or as one who belches after having eaten, all of the foregoing is implied by the term "yawning." If she breaks wind, or sneezes, or if she feels a pain in the navel region, or in the region of the womb, or if she has an attack of chills and fever, or if the hair of her body or of her head bristles, or if her head and her limbs are heavy from lassitude, if any single occurrence of those described above happened to her three times consecutively and she invariably perceived the flow of blood thereafter, her menstrual terms are regulated thereby; this is termed menses regulated by bodily symptoms. Yawning and sneezing can be regarded as symptoms only if repeated many times, but her menses cannot be regulated by her having yawned or sneezed but once, as this is a natural occurrence. It is also essential for regulating the menses that the same event occur to her three times in succession, but if one event occurred to her at one time and another at another time, her terms are not regulated thereby.

4. Some women establish their menstrual terms by diurnal symptoms or by intermittent diurnal symptoms combined with yawning, or sneezing, or the like; i. e., on every fifth day of the month she yawns or sneezes and thereafter she perceive the flow, or an interval of twenty-five days from perception elapses and then she yawns or sneezes and thereafter she perceives again, this is termed menses regulated by combined symptoms, i. e., it is combined by a diurnal symptom with a bodily symptom, if it so occurred three consecutive times. But she need have no apprehension of the diurnal symptoms alone or of the bodily symptoms alone, since she regulated her terms by both together.

5. A woman who has her regular terms, is presumed to be clean at all times, excepting that in which she has her terms. Her husband may cohabit with her and need not inquire of her regarding that matter; even

when she is partly asleep he may have intercourse with her; and she need not examine herself either before or after conjugal cohabitation. In fact she should not examine herself in the presence of her husband, because he may have apprehension and think that she evidently felt something, as otherwise she would not examine herself. Therefore, if she examines herself before conjugal cohabitation, there is apprehension that because of his fears he will keep away from her; and if she examines herself after having conjugal intercourse, there is apprehension that he may think that she must have felt something during the cohabitation and he will keep away from her the next time. For the above reasons she should not examine herself in the presence of her husband, but when not in the presence of her husband; the woman who exceeds in examining herself, is the most praiseworthy.

6. A woman whose terms are irregular must examine herself both before and after conjugal cohabitation. The husband too must ascertain, by cleansing himself, if after cohabitation there is a drop of blood anywhere. A woman whose flow of blood has presumably stopped, e. g., a pregnant woman after the first three months, or one who nurses, or one who is old, all these need not examine themselves.

7. There are some women who have no regularly established menstrual terms, but have nevertheless a number of certain days on which they do not perceive any flow; e. g., it is established that within twenty-five days of her perception she does not perceive the flow of blood again, but only thereafter, and then too she has no definite time, but at times she perceives a day or two or three days later, such a woman, up to the number of twenty-five days since it has been established by three consecutive times that during these days she perceives not, is regulated during these days by the same laws as those appertaining to a woman that has regularly established menstrual periods, and on the days that follow on which she is uncertain and on which no clean state has been established, she is forbidden to her husband.

CHAPTER CLV.

Laws Concerning the Keeping Away Immediately Preceding the Menstrual Terms, and the Distinction Between Regular and Irregular Menstrual Terms.

1. The Rabbis taught, it is written: "Thus shall ye separate the children of Israel from their uncleanliness." Said Rabbi Josiah that in the above verse is implied an admonition to the children of Israel to separate themselves from their wives immediately before their menstrual periods. And how long before? Said Rabba "An Onah," and an Onah is either a day or a night; thus if her regular terms occur by day, although she is accustomed to perceive at the conclusion of the day, she is nevertheless forbidden to her husband from the beginning of the day; if she is accustomed to perceive it in the morning and she did not perceive it, she is nevertheless forbidden to her husband the whole day and the whole night. If her regular terms occur in the night, although she generally per-

ceives it at the beginning of the night, or if she is accustomed to perceive it at the end of the night, she is nevertheless forbidden to her husband the whole night. According to the opinion of many authorities not only conjugal cohabitation is forbidden (at the time mentioned), but also all kinds of caresses; and it is proper to adhere rigidly to this law.

2. Some authorities hold that the *Onah* during which the husband must separate himself is before the *Onah* during which the menstrual terms occur; i. e., if it occur at night, she is also forbidden to her husband the whole of the preceding day, and if it occur by day, she is forbidden to her husband also on the whole on the preceding night, and it is proper to adopt such a custom. However, if he is about to start on a journey, or if he has come from a journey, or if she performed the ceremony of immersion on the night preceding the day on which her menstrual terms occur, they should not rigidly adhere to the afore mentioned law.

3. A woman whose menstrual terms are irregular, then thirty days after her perception of the flow is always regarded as her fixed term, and this is termed a compromised fixed term; e. g., if she perceived blood on Monday of the week of Noah, then the Wednesday of the week of Toldoth (four weeks thereafter) is to be regarded by her as the fixed day of menses. Besides, she has to pay attention to other terms of perception which she occasionally perceives on, whether it be by intermittent diurnal symptoms or by diurnal symptoms, as will be explained hereafter, by the grace of God. Whenever she is required to have apprehension, her husband must separate himself from her on the day or the night immediately preceding it, as has been explained.

4. A woman who perceived blood is required to apprehend perhaps she may perceive it again on the same day and at the same time. If she has no regular menstrual terms, then she certainly must have apprehension that it may occur again at a similar time and thus establish her menses, but even a woman who has regular terms, if it occurred to her that her regular term was changed and she perceived blood not at her regular term, she must have apprehension as relates to this perception, lest her regular term will now be changed to some other time. If her regular term was not changed, but it happened that she perceived blood one additional time besides her regular term, then she does not have to be concerned about this extra perceiving, for since she has a regular term she need have no apprehension that there may exist an irregular term.

5. Let us take an illustration of a woman who has no regular terms: If she perceived blood on the second day of the New Moon of the month of Iyar and on the twenty-fifth of the same month, then she has to have apprehension for the New Moon of the month of Sivan, for it is possible that she establishes her menses at New Moons (and she must likewise have apprehension for the second day of Sivan, perhaps she may establish a compromised fixed term). If the New Moon of Sivan has come (and also the second day of Sivan) and she perceived no blood, then she has to have apprehension lest she will establish her menses by intermittent diurnal symptoms, and since there was an interval of twenty-three days between one perceiving and the other (exclusive of the day of the first perceiving and of the second of perceiving), she must now also count twenty-three days and then have apprehension; i. e., there are four days left in the month of Iyar, then she should add nineteen days from the

month of Sivan, and have apprehension for the twentieth day; if the twentieth day has come and she did not perceive any, she must have apprehension for the twenty-fifth day, perhaps she establish her menses on the twenty-fifth of the month (she must likewise have apprehension for the twenty-sixth day because of the possible compromised fixed term). But she need not have any apprehension for the New Moon of the month of Tammuz, for the perceiving of the New Moon of Iyar was already done away with in that she did not perceive any on the New Moon of Sivan (for whatever is not established by an occurrence of three consecutive times is done away with by one time, as explained hereafter).

6. And an illustration for a woman who has regular menses: If she had established her menses by intermittent diurnal symptoms at an interval of twenty-five days, and once there was a change and she perceived nothing till the twenty-eighth day, then she must have apprehension for the twenty-fifth day after this perception because of her regular term, and if the twenty-fifth day came and she perceived nothing, she should have apprehension for the twenty-eighth day because of the last perception. If she now also perceived on the twenty-eighth day, she is still forbidden to her husband on the twenty-fifth day of this perceiving, because of her established regular term. If she did not perceive now on the twenty-fifth day but on the twenty-eighth day, then the twenty-eighth day is established as her regular term and the twenty-fifth is done away with (for she has proved it three times), and she is not forbidden. If the last perceivings were not at equal intervals, e. g., when she perceived on the twenty-eighth, the twenty-ninth and the thirty-first days, her former regular term is abolished and no new term is established and she is required therefore to always have apprehension from the last perceiving and the interval, and for the day of the month, and for the compromised fixed term, until she establishes a new term.

7. The rule for every God-fearing person is that in case the woman has no regular term, he should write down the exact day in the month she perceived blood, and how many days there were between one perceiving and the other, and for the future he should have apprehension for the day at the end of the interval equal to the former interval, and also for the day of the month on which the last perceiving occurred, and he should also apprehend the compromised fixed term. He should conduct himself thus until she establishes a regular term of menses. And if after she has established a regular term she happened to change it, then he must also have apprehension for the new perceiving inasfar as the interval is concerned and also for the day of the month. He must also be mindful of her regular term, because the regular term becomes abolished only after three times, as stated hereinafter.

8. A woman who has a regular term, although once or twice the regular day or sign of the regular day has come and she did not perceive anything, although she is absolutely convinced that she has not perceived anything, e. g., she had, during the entire term, a cotton cloth, nevertheless her regular term is not abolished thereby, but she must have apprehension for the third time. However, if a third time has come and she

perceived nothing, then if she is convinced by positive proof that she perceived nothing during these three times, as when for instance she had a cotton cloth at every time during the entire term of the menses, her regular term is abolished, and she need not have any further apprehension, because every regular term is abolished by three times even it has been so regularly had many years. But a term which is not established as regular as for instance when the perceiving although so occurred once or twice, then if once this day or this sign has come and she failed to perceive her menstrual flux, even if she has not examined herself but she did not feel anything to evidence it, then she need not have apprehension any longer, for whatever is not established by three occurrences is done away with by one time, even without examination.

9. A woman who has her regular terms should, at the time preceding her accustomed terms, ascertain by the insertion of a cotton cloth if the menstrual flux has begun, as it may be apprehended that a drop of blood may have issued and been lost without her having become aware of it. If she failed to do so and the time of her regular term has passed, she is forbidden to her husband until she has examined herself thoroughly. If she bathed during that time, the examination will be of no avail, and she is bound to consider herself as being in an unclean state, because it is presumed that the flux came at the accustomed time. However, if she has no regular terms but she merely has apprehension for an irregular term, if the time has passed and she did not feel anything although she failed to examine herself, she is thereafter presumed to be in a clean state. But a compromised fixed term, which is the thirtieth day, is regulated by the same law as that which governs a regular term, as stated hereinbefore.

10. A woman whose flux continues for two or three days in which it either comes in a flow or it comes in drops, the day on which she begins to perceive it is the principal day. Some are of the opinion that she nevertheless must have apprehension during all these days, until established to the contrary.

11. Just as a woman need have apprehension concerning the menses established by diurnal symptoms or by intermittent diurnal symptoms which occurred but once, thus must she have apprehension for the menses established by bodily symptoms and by combined symptoms which occur only one time. Just as menses regulated by diurnal symptoms and by intermittent diurnal symptoms, which are not established, are abolished by one occurrence to the contrary, so are the menses regulated by bodily and by combined symptoms abolished by one occurrence to the contrary. Just as the menses regulated by diurnal symptoms and by intermittent diurnal symptoms, which are established, are abolished only by three occurrences to the contrary, so are the menses regulated by bodily symptoms and by combined symptoms, which are established, abolished by three occurrences; e. g., if she has only bodily symptoms, if she yawned thereafter three successive times and she did not perceive any flux, she need have apprehension no longer when she yawns again. If it be by combined symptoms, when this day came three times and she yawned but she failed to perceive anything, then the accustomed term is abolished; but days without yawning, or yawning without days alone do not have the effect of abolishing a term established by combined symptoms, for the occurrences which tend to abolish it must be exactly analogous to the occurrences that establish it.

12. A woman after the first three months of her pregnancy, or one who nurses, is presumed to have ceased her flow and need not have any apprehension concerning her term although she has an established menses. Nevertheless she is required to have apprehension for any perceiving just as she needs have apprehension in the case of irregular menses. When the days of nursing are over, she must resume to observe her former terms; e. g., if she had her term on the New Moon, she must apprehend it immediately at the first New Moon; but if it was by intermittent diurnal symptoms, then she must first perceive it once, and thereafter look out for it at the lapse of the interval she had been accustomed to before.

CHAPTER CLVI.

Laws Concerning One Who had an Issue of Blood as the Result of Cohabitation.

1. A woman who had an issue of blood as the result of cohabitation even if it did not occur during cohabitation, but thereafter on that night, they are permitted to have intercourse again, after she will have purified herself. Yet one single occurrence should make them apprehensive of a repetition, thus, if this occurred on the night of immersion, then when she takes the ritual bath, they should be separated from each other, for it is surmised that the immersion in conjunction with cohabitation have caused the issue of blood, and perchance she may perceive blood on the night of the second immersion, in the very act of cohabitation. However, on the night of the third immersion they need not be separate, inasmuch as the principal cause of apprehension was owing to the immersion, and as she did not perceive the flow on the night of the second immersion, apprehension need no longer be felt. If she happened to perceive the flow on the night following the immersion, they should likewise be separated on the night following the night of the second immersion, but not of the third immersion.

2. Whereas an unfavorable tendency was developed in that woman, therefore even she has her regular terms, she is required to examine herself both before and after a second cohabitation in order to ascertain if the flow was again caused by cohabitation, and she should be careful to immediately place herself under medical treatment. This is all the more urgent when she perceived the flow in the very act of conjugal intercourse, or immediately thereafter; for, should this happen to her three times in succession, she is placed in a most embarrassing position, and it is with the utmost difficulty that permission may be granted her to continue living with her husband.

3. If during the act of cohabitation, the woman had perceived that she had become unclean, it is her duty to tell her husband immediately, saying: "I have become unclean." He should then not separate from her before his virile strength is exhausted, for this very act affords him pleasure, but he must raise his body supporting himself on his hands and feet and not upon her; he should be filled with fear and trembling because of the sinful happening, and on its exhaustion he should separate from her. He should then consult a Rabbi who will instruct him what penance he should do for his sin.

CHAPTER CLVII.

Laws Concerning a Bride about to be Married.

1. It is obligatory upon a woman who makes preparations to get married, to count seven clean days (days in which she is free from catamenia) before that event occurs, it is immaterial whether she be a minor who had not as yet perceived the flow or if she be an aged woman whose flow had long ceased, it is nevertheless feared that because of passion some drop of blood has issued from her and was lost; she is therefore regarded as a woman who is menstrually unclean. After having counted the seven clean days she should examine herself daily until she performs the ceremony of immersion, and also after that time until the mandatory performance of the marriage duty.

2. If on account of some cause the marriage was postponed to another day, and thereafter they again agreed upon the original date, although she had already counted seven clean days, she is yet obliged to count anew inasmuch as a new passion was created within her, and although she had examined herself daily during the interval, it is still of no avail. However, if it was not really postponed but they were unable to agree as to the amount of dowry or the like, and because of this the marriage was delayed until they came to terms, or if they postponed the marriage, by mutual consent, from the day set to some other day, they should consult the wise whether the first seven days are of any avail. If they had quarrelled during the marriage and another bride-groom had taken the place of the first, it is obvious that the seven clean days she had counted for the first bridegroom are of no avail as regards the second groom. But even if after giving her consent to marry the second groom, she became reconciled to the first groom, yet the seven days she had originally counted for him are of no avail as her thoughts had been diverted from him. She is therefore bound to count seven clean days anew.

3. It is proper that a woman should not get married before she has purified herself from her uncleanliness. If, however, time is of essence and the wedding must be on a day she is unclean, or if it happened that she became menstrually unclean after the wedding ceremony and before cohabitation, they shall not be alone in each other's company without surveillance until she will have performed the ceremony of immersion. It is customary to place a male child by the groom and a female child by the bride, and they do not remain even in the daytime alone without the children. It is essential to obtain such children as understand something about matters appertaining to cohabitation, but they should not be fully grown who already have passion for fear that they may be persuaded, but they should be of medium growth. Regarding this law no distinction is made between a bachelor and a widower, and a maiden and a widow, for as long as he never had conjugal relations with this woman, his passion may overcome him, and therefore they are not permitted to be alone unobserved.

4. When one marries a woman he had divorced, she is obliged to count seven clean days, even though he had divorced her while she was pregnant and remarried her while she was pregnant, or if he divorced her

while she was nursing and remarried her while she was nursing. However, if he violated the law and did remarry her before she had performed the ceremony of immersion, they are permitted to remain alone unobserved, for inasmuch as he had previously had conjugal relations with her, it is easier for him to control his passion.

5. Extreme care should be taken that the bridegroom should not sleep with the bride until the night he desires to perform the duty of marriage with her.

6. One who marries a maiden should perform the marriage duty that is mandatory upon him and although there is an issue of virginal blood he may conclude the conjugal intercourse and need not have any apprehension. However, on conclusion thereof he should separate from her, and she becomes unclean. Even if no blood was perceived we apprehend lest a drop of blood issued from her which was covered up by the semen, and she is therefore considered as a woman menstrually unclean.

7. If a maiden who took the bath of immersion after the first conjugal cohabitation perceived a flow of blood also after the second cohabitation and also after the third and the fourth, it is questionable whether she may remain to live with her husband.

8. It is permissible to have conjugal intercourse with a maiden on the Sabbath, although he is making a wound thereby.

CHAPTER CLVIII.

Laws Concerning a Woman who had either given birth to a Child, or had Miscarried.

1. A woman who had given birth, whether the child to which she gave birth was alive, or whether it was still-born, or even if it was an abortive, and even if she did not perceive any blood, she is yet in the state of being unclean as of child-birth. According to law, if the child was a male she is unclean for seven days on account of birth, and after that she may count seven clean days and perform the ceremony of immersion. If she had given birth to a female child she is in an unclean state for fourteen days on account of the birth, and thereafter she may count seven clean days and perform the ceremony of immersion. There are some localities where the custom prevails that women do not perform the ceremony of immersion within forty days in the case of a male and within eighty days in the case of a female. In a place where this custom is accepted by everybody it is not to be disregarded, for there is some reason underlying such custom. Concerning such cases it is said: "Hear my son the chastisement of thy father and do not abandon the doctrines of thy mother" (Prov. i, 8). In our countries there is no established custom. The custom prevailing in some places where the ceremony of immersion is not performed within six weeks in the case of a male and within nine weeks in the case of a female, and the like customs, such customs are based on no reason whatsoever, and they were already abolished in some communities by learned Rabbis, of blessed memory.

2. Some authorities are of the opinion that the husband should separate from his wife on the forty-eighth night in the case of a male and on the eighty-first night in the case of a female, as on those nights it is to be apprehended that she may perceive the flow the same as during her

menses. Other authorities differ, but the scrupulous should be stringent. In case of abortion, where it is doubtful whether it was a male or a female, he should separate on the forty-first and on the eighty-first nights.

3. If a woman miscarried something, even if it had not the shape of any child at all but looked like a piece of flesh or a piece of skin, or the like, she must be scrupulous and consider herself in an unclean state as that of a female birth; or she should in such a case consult the wise, for at times it is proper to be lenient about it. If she first miscarried a child and thereafter she miscarried the after-birth, although the child was a male, she should have apprehension perchance the after-birth was a female, and therefore she should be in a state of uncleanliness as in the case of a female, or she should seek the advice of a sage.

4. If a woman was certain that she had not conceived and she has performed the ceremony of immersion for her husband, and within forty days she had an abortion, she need not apprehend a birth, because a child is not formed in less than forty days. She is, however, menstrually unclean, even she had not perceived any blood, for it is presumed that there was some blood but it was lost, for it is impossible that the womb be opened without blood.

CHAPTER CLIX.

Laws Concerning the Putting On of White Linen and the Counting of Seven Clean Days.

1. A woman who had perceived blood in the days of her purification, is required to count five days including this day, i. e., the day on which she perceived it and additional four days. Even if she perceived it at the close of the day, after the congregation including herself had already prayed the Evening Service, or they had already received the Sabbath, yet if it is still day-time, this day is counted as one of the five days. On the fifth day towards evening before twilight, she should carefully examine herself, wash at least her nether parts, put on a clean white chemise, also all her other garments should be clean; and this is called "the end of her purification." At night she should also spread a clean white sheet on her bed, and also all the pillows and the bed-coverings should be clean, and on the following morning she should begin to count the seven days. There is no difference in this case whether she had perceived much blood or little, for even if she only had perceived one drop of blood or even if she only found a stain during the days of her purification, she should wait thereafter five days. And yet, even if she had perceived blood the entire five days, but it ceased to appear before sun-down (on the fifth day), immediately upon the cessation she may end her purification.

2. In case of emergency, as for instance, when she is traveling and cannot obtain any water even wherewith to wash her nether parts, it does not retard "the end of purification," but she should carefully cleanse herself with whatever she can. If she has no white chemise, she may put on an old chemise, but she should previously examine it to ascertain if there are no blood-stains thereon.

3. Some authorities are of the opinion that if the congregation had already prayed the Evening Service, although it is still day-time, on this day she can no longer make the "end of her purification" so that she may begin to count from the day following, since the congregation have already made it night. Some authorities hold that she may consider this day even when the congregation had already accepted the Sabbath. At first it is advisable to be scrupulous about it, but if done already she should not be stringent about it; she may then end her purification as long as it is still before twilight, but if she too had prayed the Evening Service, especially when she had already lit the candles for the Sabbath or for a Festival, even though the day is yet big, she can no longer end her purification. In the summer when in many communities the Evening Service is prayed while the day is yet big, she must end her purification before then, as stated. Thereafter, near twilight, she should examine herself again, for the principal end of her purification is at the time as near twilight as possible. However, if she neglected to examine herself again, she should not mind it; even if she only had examined herself in the morning and found that she was clean, it suffices when already so done.

4. A man should even teach his household to be scrupulous that the examination at the end of the purification should be done with white linen and it should remain during the entire twilight, for such an examination avoids all doubt.

5. There is a custom prevailing in some communities that if the putting on of the white linen is on a Sabbath or on a Festival, to postpone it till after that, for the reason that not every woman knows how to be careful in observing the laws prohibiting washing and wringing. In communities where it is the custom to be lax about it, she may even wash her entire body with cold water; but when using warm water she must be careful to wash only her nether parts and between her thighs; and such warm water must have been made warm on the day before the Sabbath or the Festival. She must, however, be careful, in order not to violate the law forbidding wringing, not to wash herself with any cloth, but with her hands only. On the Day of Atonement she should not wash at all, but merely wipe herself carefully (for it is considered as an emergency as stated in section 2, since she is forbidden to wash herself), and put on a clean chemise. On the Ninth of Ab and during the seven days of mourning, she should likewise neither wash herself nor even put on a white chemise, but an old chemise which she had previously examined to ascertain if it is free from blood stains. However, after the seven days of mourning, although washing is forbidden her the entire thirty days, she is permitted to wash herself moderately, as much as is requisite for her purification, she is also permitted to put on a white chemise.

6. During the entire seven days of the counting she must examine herself twice daily, once in the morning and once near twilight. However, if she only examined herself once in the first day and once on the

seventh day, it is proper to be lenient about it. This is true only when she examined herself on the first and on the seventh days, but if she examined herself on the first and on the eighth days, the eighth day only is counted in her favor, and she is required to add six more days thereto.

7. All these examinations, whether at the end of her purification or during the seven clean days, must be made with an old white linen cloth or with a white soft woolen cloth which she should insert to a depth that is felt by her during conjugal cohabitation, and she should then see if there is no reddish appearance on it. If it be impossible for her to insert it to such a depth, she should at least try to the best of her ability to examine herself as closely as possible; and it is best that at least one examination should be made to a depth that is felt by her during conjugal intercourse. (And it is the duty of every husband to teach to his wife the laws concerning examination for there are many who are not acquainted with them). Maidens who examine themselves before the wedding should likewise examine themselves as much as is within their power.

8. The examinations must be made by the light of the day but not by the light of a candle. Some authorities are stringent in case she neglected to make at least the examination on the first and on the seventh days by the light of the day.

9. If she found a stain during the seven days, or even if she has perceived real blood, she may end her purification and put on clean linens even on the same day as long as it ceased before twilight, and on the following day she may begin to count the seven clean days anew.

10. A bride who had perceived blood at such a time before her marriage that waiting five days (to the end of the purification) would make the wedding day occur before the time of the ritual immersion had arrived, and it would be difficult for them to postpone the wedding, is permitted to end the purification immediately the flow had ceased, before the twilight of that day. She may then count the seven clean days from the day that follows, in order that she may be able to perform the ceremony of immersion, before entering the Nuptial Canopy, which is preferable to having the marriage ceremony performed while she is menstrually unclean.

CHAPTER CLX.

Laws Concerning Cleansing the Hair.

1. On the seventh day while it is yet daytime, before twilight, she should wash her entire body thoroughly with warm water, especially where there are wrinkles. She should likewise thoroughly wash her secret parts and examine her entire body, wherever she can see or feel with her hands, lest there remain thereon any particle (that would in law be considered as an intervention) or any soil. She should also thoroughly cleanse and comb all her hair, and disentangle it, in order that it should be neither matted nor knotted. All of the foregoing is called "cleansing." It is essential that she be occupied in cleansing her hair until nightfall, in order that she might perform the ceremony of immersion immediately after the

cleansing. It is necessary that the combing be near the immersion, and also that the combing should take place during the daytime. Therefore the proper mode of procedure is that she begin the "cleansing" while it is yet day and continue it till the nightfall.

2. Cleaning the places covered with hair should not be done with anything that tends to entangle the hair. It is the custom to permit the use of soap since it cleans and does not entangle the hair.

3. In a place where there is no bath in the house of immersion, but she does the combing in her house and thereafter she goes to perform the ceremony of immersion, she should take a comb with her, and there comb her hair again.

4. However, in an emergency, when it is impossible for her to wash her hair in the daytime, she is permitted to wash herself in the night, but she should take pains to wash her head properly, without haste. If it is impossible for her to continue the washing also at night, she may do the washing altogether in the daytime.

5. If the time for the ritual immersion occur on a Sabbath Eve, she should do the washing in the daytime, but she should be very careful to conclude the entire washing before sunset, so that she should not, Heaven forfend, come to violate the Sabbath. As regards the lighting of the Sabbath candles, it is best if possible to go home after the hair washing, or she should do the hair washing in her home, and after that light the candles before sunset and then take the bath of immersion; if this be impossible then the husband should light the candles; and if this be likewise impossible, then she should light the candles and say the benediction while it is yet daytime, and she should say while lighting them that she does not, by the act of lighting them, take upon herself the obligations due to the sanctity of the Sabbath, for in the case of emergency a condition is effective in this regard. But the custom prevailing with some women to say the benediction over burning candles should be abolished, because they are pronouncing a benediction in vain.

6. In places where it is customary to take the ritual bath of immersion on the close of the Sabbath or Festival, they should consult an authorized Rabbi how they should proceed in regard to washing the hair.

CHAPTER CLXI.

Laws Concerning Intervention.

1. She is required to immerse her entire body together with all her hair at one time. She should therefore very carefully observe during the immersion that there be not upon her anything that intervenes (between her body and the water), for at times even if it be only the slightest particle it is considered an intervention, and the immersion is not valid. And not only on the external body where the water must penetrate, and if there be anything intervening the water will not penetrate, but even those internal parts to which the water does not penetrate, should, nevertheless, be in a condition fit for the water to penetrate, e. g., the teeth, although it

is not necessary to have the water enter her mouth, nevertheless should there be an intervening particle between her teeth, her immersion is not valid, as will be explained, if it please God. Every woman should be acquainted with this rule, that all parts of her body must be clean and in a condition for the water to penetrate thereto during immersion.

2. The excrement of the eye is considered an intervention if it is on the outside, even if it is moist. If on the inside of the eye, it is not an intervention if moist, but the dry matter which began to come out of the eye is an intervention.

3. Dried blood upon a wound is considered an intervention, but the matter the wound contains is not an intervention. If there was a discharge of matter, it does not intervene if it is wet, but if it is dry it is an intervention. Therefore a woman who has scabs, must wash it with water until they be softened. Also the skin on a wound, although it causes her pain to remove it, or blisters, must be either removed or well softened with water.

4. The plaster upon a wound is considered an intervention. Also the plaster put on to stay there for three or four months time and thereafter they fall off by themselves, but during this time it is impossible to remove them unless the skin be torn off together with them, and the woman claims that she is accustomed to them and she does not mind them, are nevertheless considered an intervention. If a woman has a boil which was opened and a piece of linen was placed in the opening underneath the bandage, and even when the bandage is removed it is invisible because it is deep inside, it is nevertheless considered an intervention.

5. Excretive matter upon the body as a result of perspiration is considered an intervention when dry. Crumb-like particles found on the body, and this is what ocasionally people do when their hands are soiled with clay, dough or perspiration, that they rub one hand against the other and there appears a substance in the shape of grains, this is considered an intervention.

6. Ink, milk, honey, juice of figs, mulberries, of carobs, and of the (fruit of the) sycamore, when dry, they are considered an intervention, but when moist they are not considered an intervention. All other juices are considered an intervention even if they are moist. Also blood is considered an intervention even when moist.

7. The coloring that women use for their faces, hands and hair is not considered an intervention. A woman who is engaged in dyeing clothes and the like, and because of this her hands are dyed, and since it is customary for women thus engaged not to be particular about it, it is not an intervention.

8. Concerning the filth underneath the nails there are many diverse opinions, and it has long been an established custom to pare the nails of their hands and feet before taking the bath of immersion. She should be careful to burn her nails, for if it is dangerous for her husband or some

other man to tread thereon. If she forgot to cut them before the nightfall of a Sabbath or a Festival, she may have them pared by a non-Jewess. If she has a growth in the place of the nail and she can neither cut it off nor clean it underneath, if the growth is so enlarged that the filth underneath is not visible, it is not an intervention. If a woman forgot to pare her nails and thus performed the immersion, if she became aware of it before conjugal intercourse, she is required to have another immersion, but if she did not become aware of it until after conjugal intercourse, she should consult the wise.

9. She should be careful to remove her earrings and rings before she is taking the ritual bath of immersion.

10. She is required to clean her teeth previous to the immersion, as it is usual to find particles of food between the teeth. If she did perform the immersion and thereafter she found some particle either between the teeth or clinging to them, the immersion is invalid. Some women have made a practice not to eat meat on the day previous to the immersion, because meat more than any oher food enters between the teeth, and it is to be apprehended that even when she cleans her teeth something may be left thereof; and this is a beautiful custom. On the Sabbath or on a Festival when it is to be partaken of, she should be extremely careful in cleaning her teeth well. Every woman should be careful not to partake of any food between the washing of the hair and the immersion. The entire day prior to the immersion she should not engage in the kneading of dough or the making of wax candles so that nothing cling to her. But on the day preceding the Sabbath when she is accustomed to knead herself in honor of the Sabbath, she should not abstain therefrom, but she should be careful to wash her hands thoroughly clean.

11. A woman who has an artificial tooth should consult the wise how to perform the immersion; the same applies to a woman who has her teeth filled. A woman who is ruptured and wears a ring in her womb, should consult the wise.

12. During the immersion her companion should not take hold of her, because the water will not penetrate to the place of the grasp. In case of emergency the woman who intends to hold her should previously immerse her hands in the immersion tank then she may hold her, not with a tight clutch, but with the moderate grasp that is ordinary with all.

13. Whenever possible she should not immerse herself in a place the buttom of which is clay, as it is feared that it may intervene. In case of emergency one need not scruple, for the clay usually found at the bottom of water is not so thick. However, the mud at the edge of a stream which clings to her feet does intervene. Therefore she must be careful

while entering the stream before immersion to thoroughly wash her feet from the mud that clung to her at the bank of the river. Should she desire to place something in the water upon which to stand during the immersion, she should consult an authorized Rabbi, for there are many things upon which it is forbidden to stand during immersion.

14. She should not stand erect when immersing herself, as certain parts of her body are thus concealed; nor should she stoop so low as to bring her secret parts close together; but she should stoop slightly, until the secret places of her nether parts be exposed as they are exposed when she kneads dough when she spreads her feet slightly to stand firm and knead with her might, and the space under her breasts should be so much as it appears when she gives a babe suck. It is not necessary for her to distend her thighs nor to extend her arms from her body too much, but they should remain in the position they are when she walks. If she stooped too low, or if she stood entirely erect, the immersion is not valid, because wrinkles are thereby formed in her body and the water does not penetrate there. Therefore it is necessary to see that the water should reach three handbreadths above her naval, as in that manner she will be able to immerse herself properly. In an emergency, however, when the water is not so high, she should previously gently sit down in the water until it reaches her neck, and then immerse herself; in that manner, wrinkles will not be formed on that part that is yet out of the water, for the wrinkles that may be formed thereafter on her body when in the water, do not harm, inasmuch as the water had already penetrated there. If the water is very low, in an emergency she may immerse herself in an incumbent posture, but she must submerge her entire body also her hair at the same time.

15. She need not open her mouth to have the water come in, but she should not shut it more than necessary, and if she did so shut it the immersion is not valid; however, her lips should be slightly close to one another. If she had her hair in her mouth during the immersion, her immersion is not valid, as the water did not reach her hair.

16. She should not keep her eyes tightly closed, as thus wrinkles are formed underneath them, nor should her eyes be dilated, as wrinkles are thus formed above them, but she should keep them slightly closed.

17. She is also required to remove the excrement from the nose, from outside the nose as well as from inside, but whatever is higher up in the nose does not intervene; she is likewise required to remove the excrement from the ears. Some authorities hold that a woman needs also let water before the immersion if she needs it. She must also ascertain if she

has to ease herself so that she should not have to restrain herself and thereby render the places improper for the penetration of water thereto; but if this is neglected, it does not render it invalid.

18. She should not perform the immersion with dust upon her feet; and if she did immerse herself, the immersion is valid if the dust was so thin that the water had washed it away.

19. Ordinary lice and fleas do not adhere to the body and the water penetrates thereto and they are not therefore considered intervention; but that kind of lice which cling to the body and bite wherever there is hair and tightly adhere to the body, must be removed by means of hot water and scraped off with the nails; if they cannot be removed they are not an intervention. The small lice that cling to the hair should be removed because they are considered an intervention.

20. A woman that wears her hair in plaits connected together and she fears to separate them as it may endanger her life, do not constitute an intervention; even if there are some thread found therein which cannot be removed, they are not considered an intervention, if they are not visible.

CHAPTER CLXII.

Laws Concerning Immersion.

1. It is mandatory upon a woman whose husband is in town, to perform the immersion at the proper time in order not to delay the precept of propagation, even one night. For thus do we find in the case of Joshua who was punished because he caused Israel to delay the precept of propagation but one night. A woman who defers immersion in order to distress her husband deserves great punishment, God forfend.

2. She is forbidden to perform the immersion on the seventh day before the stars have appeared. Even to perform the immersion when darkness approaches, and to arrange it so that she will not return home before it is dark, is also forbidden. Even if she had delayed the immersion and did not perform it on the night following the seventh day, and had performed it thereafter, she is likewise forbidden to perform the immersion in the daytime. Even in the latter case it is proper to be scrupulous not to take the bath of immersion before dark so that she can reach home when it is dark already, but she must do it in the nighttime only. The brides who perform their immersion prior to the wedding, are permitted to perform the immersion during the daytime of the eighth day, or during the daytime of any other day thereafter, and in an emergency when it is necessary for the bride to perform the immersion on the seventh day, she is likewise permitted to perform it during the daytime, even in the morning after daybreak. The wedding, however, should not take place until stars have made their appearance. If she performs the immersion after the wedding, although it is the first immersion of her married life, she is amenable to the same laws as any other woman.

3. In case of accident, e. g., when she is afraid to immerse herself at night, on account of the cold, or fear, or if the house of immersion is without the city, and the city gates are locked at night, she is then permitted to perform the immersion on the eighth day during the daytime. She is not permitted to perform the immersion on the seventh day, even when compelled by circumstances. Permission is granted her to perform the immersion in the daytime of the eighth day providing she can also wash her hair immediately before the immersion, but if the eighth falls on a Sabbath or on a Festival, which would make it necessary for her to wash her hair on the day preceding the day of immersion, and then to perform the immersion in the daytime, that is forbidden, for we cannot overlook two laws at one time (i. e., having the immersion in the daytime, and having a long interval between the washing of the hair and the immersion).

4. She should not stand on anything (but the bottom of the pool) during the immersion. If the water of the pool is deep and she is compelled to stand on steps, she should consult the wise.

5. She should not perform the immersion in a place where, it may be apprehended, people would see her, as that would cause her to hasten in performing the immersion and it is feared that she may not perform it properly. However, if she had performed the immersion and is positive that she had performed it properly, her immersion is valid.

6. When she immerses herself it is necessary that a Jewish woman, above the age of twelve years and one day, should stand by and see to it that no part of her hair remain floating above the water. If there is no woman obtainable, her husband may stand by her to see that she performs the immersion properly.

7. She is permitted to perform the immersion on the Sabbath Eve, if that was the time for her immersion and she could not perform it previous thereto, and if her husband is in town. If her husband is not in town, or if she was able to perform the imersion previously, she is forbidden to perform it on the Sabbath Eve. If it is after she had given birth, there are many diverse opinions as to whether or not she may perform the immersion of the Sabbath Eve; she should therefore consult a wise man. If her time for immersion was before then, but she failed to perform it because her husband was not in town, but he arrived on Friday, there are places where they are stringent and forbid her to perform the immersion on Sabbath Eve. In places where there is no established custom it is not necessary to be stringent about it, but in the places where they are stringent, she should not even perform it on the conclusion of the Sabbath. If a widow was married, she is not permitted to take the first bath of immersion on Sabbath Eve, since she may not have the first conjugal cohabitation on the Sabbath. Some authorities permit her to perform the immersion on the conclusion of the Sabbath.

8. After she had performed the immersion in a proper manner, and while she is still standing in the water, she should pronounce the benediction: "Blessed art Thou, O Lord our God, King of the universe, who hast sanctified us with Thy commandments and hast commanded us concerning the immersion." It is proper that before pronouncing the bene-

diction she should cover the nether parts with some kerchief, or at least fold her hands together on her body to make a separation, and she should not look into the water while saying the benediction. If she takes the bath of immersion in a place where she is liable to disturb the water with her feet, it is best to do so before saying the benediction. Some women are accustomed to immerse themselves once more after the benediction. This is a proper custom, but it is essential to be careful that the second immersion too shall be performed properly.

9. After she had performed the immersion in a pool as required by law, she may enter the bath house to warm herself, even if it be a bath used for perspiring. But some forbid her to wash herself again in the bath-tub; and this is the prevailing cutsom. It is proper to be lax about spilling warm water on her to warm her body therewith. But in places where it is customary to forbid even this, it is not proper to be lax about it.

10. A woman should be modest about her immersion, to conceal the night of her immersion, and she should not go in the presence of people where she can be observed. She who does not comply with the above, concerning her is said: "Cursed be he who lies with an animal." She should be further careful that upon going out from the immersion one of her friends should meet her and touch her so that an unclean thing such as a dog, ass, pig, horse, a leper or the like, should not meet her at first, or even an ignorant man or a heathen, and if these have met her, a God-fearing woman should perform the immersion again. If one had met a woman going out from the bath where she immersed herself, there is danger to be apprehended, Heaven forfend, and the remedy for him is to say the following two verses: "He then poureth contempt upon princes, and causeth them to wander in a pathless wilderness" (Ps. cvii, 40); and, "He poureth contempt upon princes, and the belt of the mighty he loosen-eth" (Job xii, 20).

11. To warm the water of the immersion pool some forbid and some permit. The custom is already prevailing in many communities to permit it, but in a place where there is no such custom, people should not be lax about it. And in places where it is customary to be lax about it, care should be taken that on the Sabbath Eve when the immersion is performed the water should not be hot but luke warm.

12. Regarding the immersion in rivers, acording to the opinion of many of the great authorities, of blessed memory, the immersion is only valid when performed in a river when the water is so low that there is no doubt that the water has not become increased by rain or snow, for

rain water and water from snow purify only when it is clean and contained in a pool, but not when it flows on the ground. Spring water, however, purify even when it flows on the ground. But in case of emergency, in a place where there is no pool, it is customary to be lenient, and to depend upon the authorities who agree with a certain opinion that even when it is observed that the river is swelled up by rain, nevertheless its main source is from the ground, for in time of rain the air is full of moisture, and the sources of the fountain increase and grow stronger, consequently the water in the river is for ever mostly from the springs, and the rain water becomes null there, and therefore it purifies even when it flows on the ground. In a place where there is an immersion pool, God forbid to be lenient about it. Even in a place where there is no immersion pool, if possible, it is necessary to be scrupulous to this extent that if the river has swelled up by rain, she should wait with her immersion two or three days, until it will assume its normal level. If possible it is best that she should immerse herself not in the place where it has become widened but in a place where it keeps on continually flowing, for in this case is some pretense of being more lenient.

13. In a river which owes its existence entirely to rain, and at times it totally dries up, although during the rain fall some other streams fall into it, nevertheless since at times it ceases entirely, there is no possible way of permitting to use it for immersing purposes while it is still flowing, unless the water collect in one place and remain stationary.

14. The laws regarding the immersion pool are numerous. Wherever an immersion pool is made it should be made under the supervision of a prominent Rabbi, great in the study of the Torah and the fear of God. If any slight or big change occur therein, they should immediately consult the wise. When they are required to draw the water out for the purpose of cleaning it, they should likewise inquire what course to adopt.

CHAPTER CLXIII.

Laws Concerning Circumcision.

1. It is a positive law for a father to circumcise his son, or to bestow the honor and appoint another Israelite to circumcise him. The father should put the child on the knees of the godfather and to hand over the knife to the circumciser and to stand by him when the circumcision takes place to indicate thereby that he is his agent. In the interval between the circumcision of the foreskin and its uncovering, the father should say the benediction: "Who hast sanctified us with His commandments and commanded us to bring him" etc. One should be particular in his choice of a circumciser and a godfather who should be the best and most righteous men possible to select. It is customary for a father not to select as a godfather one who had already officiated as such at the circumcision of another of his sons. If he had invited one circumciser, he is not allowed to retract and invite another one, for it is said: "The remnant of Israel will do no injustice and speak no lies" (Zeph. iii, 13). If the father had invited some one who since left the city, whereupon the father thought

that he would not come on time for the circumcision, and he appointed another, and in the meantime the former returned, the former should relinquish his rights.

2. It is customary for all those present at the circumcision to remain standing, for it is written: "And the people stood in the covenant," (II Kings xxiii, 3,) with the exception of the godfather who holds the child, that he may remain seated. After the father had pronounced the benediction, those assembled say: "As he entered into the covenant, so may he enter to the study of the Torah, to his Nuptial Canopy and to perform good deeds."

3. It is essential that the circumciser should be versed in the laws concerning circumcision. He should also examine the child to ascertain if he be healthy. The mother should likewise be careful to notify him in case she observes some weakness in the infant.

4. Extreme care should be taken not to circumcise an infant who is ailing, as the fulfillment of all precepts must be postponed if there be danger to life. Moreover the circumcision can be performed later than the time appointed by law, but the soul of an Israelite once sacrificed can never be restored. (Vide Yore Deah, cclxii and cclxiii, as to when to circumcise an infant who had been ailing but became convalescent). As soon as the child is eligible for the circumcision, it is forbidden to delay the performance of this precept for any reason, e. g., to gain time for providing for the circumcision feast, or the like. But after a delay it should not be performed on the Sabbath or on a Festival.

5. If a woman lost two sons presumably from the effects of the circumcision, as it was apparent that their constitutions were so weak that the circumcision has caused their exhaustion, her third son should not be circumcised until he had grown up and his constitution became strong. If a woman lost the child because of the circumcision and the same thing happened to her sister, then the children of the other sisters should not be circumcised until they are grown up and have a strong constitution.

6. An infant born in the twilight or a little before, the learned should be consulted as to when he should be circumcised.

7. An infant who had died previous to his circumcision (whether within the eight days or thereafter) should be circumcised at the grave in order to remove disgrace from him not to be buried with his foreskin which is a disgrace to him, and the benediction is not pronounced over the circumcision. But a name should be given him to perpetuate his memory, that mercy be shown him from heaven and he revive at the resurrection of the dead, and that he may then have sufficient understanding to recognize his father and his mother. If through forgetfulness they did not circumcise him and he was buried with his foreskin, if they became aware thereof immediately so that there may be no apprehension that the body had decomposed, the grave should be opened and the infant circumcised, but if they became aware of it until after the expiration of some days after his death, the grave should not be opened.

8. It is customary to make a feast on the day of the circumcision, for every precept which the Israelites have accepted with joy (such as the precept of the circumcision) is to be performed with joy, and it is written: "I am rejoiced over thy promise, as one that findeth great spoil" (Ps. cxix, 162), and it is explained that this refers to the circumcision. He who can afford to make a feast and economizes and serves only coffee and sweets or the like, is not doing the proper thing. If one is invited to a feast of a circumcision and he knows that there are honorable men, he is bound to go there. It is likewise customary to make a feast consisting of fruits and beverages on the Sabbath Eve preceding the day of the circumcision; and this is also considered a feast held for the performance of a precept. It is also customary that on the evening preceding the circumcision people assemble in the house of the infant and study there the Torah, while some sort of a feast is held. This feast bears not the character of any precept, for it is nothing else but a mere custom.

CHAPTER CLXIV.

Laws Concerning the Redemption of the First-Born.

1. It is a positive command devolving upon every Israelite to redeem his son, who is the mother's first-born, from the priest by giving him five *sela'im*, and in our coins it should be a total equal to five and one-third ounces of refined silver. He may give the priest some other articles of that value, but no real property and no notes, and therefore it is not proper to redeem with paper money. It is customary to make a feast when this precept is performed.

2. If he had told one priest that he would redeem his son from him, he is forbidden to retract; nevertheless if he had retracted and redeemed him from another priest, the redemption is valid.

3. The first-born should not be redeemed before he is thirty days old, and on the thirty-first days he is redeemed immediately so as not to delay the performance of a precept. He should not be redeemed on a Sabbath or on a Festival, but he may be redeemed on the Intermediate Days of a Festival. It is customary to make the redemption in the daytime. Nevertheless if the thirty-first day had passed and the infant was not redeemed, or if that day fell on a Sabbath or on a Festival or on a fast day, he should be redeemed immediately on the following night, and they should not wait till tomorrow and thus delay the performance of the precept still longer.

4. The father brings the first-born before the priest and notifies him that he is the first-born to his mother who is an Israelitish woman (not the daughter of a Priest or of a Levite). He brings money or something else that is worth five *sela'im*, places it before the priest and says to him: "This is my first-born son"etc., and thereafter places the infant before the priest. The priest then asks him: "What wouldst thou rather," etc.: and he responds to him saying: "I desire rather to redeem my son" etc. While the father still holds the coins and before he gives them to the priest, he

says the benediction: "Who hast sanctified us with thy commandments, and given us the command concerning the redemption of the son," and he also says the benediction: "Who hast kept us in life." He thereupon immediately puts the coins in the hand of the priest, and the latter takes the money, puts it on the head of the child and says: "This instead of that" etc. Thereafter the priest places his hands upon the head of the child and blesses him saying: "May God make thee" etc.; "The Lord bless thee and keep thee," etc.; and "For length of days, and years of life" etc.; and "The Lord shall guard thee from all evil" etc. Thereafter he says the benediction over a goblet of wine; and if there be no wine obtainable, he says the benediction over some other beverage which is used there. But in this event the redemption should take place before the hands are laved for the meal, for in the midst of the meal it is not permitted to say the benediction over any other beverage. This is not the case where there is wine, for then the redemption is to take place after the benediction over the bread has been pronounced.

5. A father who is not found in the place where the infant is, may also redeem him from a priest wherever he is, by saying to the latter: "I have a first-born son to redeem," whereupon the priest inquires: "What wouldst thou rather" etc.

6. Regarding the custom prevailing that the priest thereafter returns either the whole or a part of the redemption money to the father, the *Ture Zahab* has given a reason therefor. He who desires to perform the precept as required by law, should choose a priest who is poor, learned in the Torah and possessing fear of God, and both the father and the priest should resolve not to make restitution of the redemption money; or he should give it to him in the nature of a gift with the condition that it be returned to him.

7. The mother of the child is not bound in law to redeem the child; and if the father had died, the court redeems him.

8. If the father had violated the law and failed to redeem his son, or if the father had died and the court failed to redeem him, he is obliged to have himself redeemed when he is grown up, at which time he should say: "Who hast sanctified us with thy commandments, and given us the command concerning the redemption of the first-born," and also the benediction, "Who hast kept us in life."

9. Priests and Levites are exempt from the redemption of their first-born sons. Even the daughter of a Priest or Levite married to an Israelite is also exempt from the redemption of the first-born son. If the daughter of a priest had conjugal cohabitation with a non-Jew and she has become pregnant, or even if she thereafter became pregnant from lawful cohabitation, the son must be redeemed, because his mother has forfeited the right of priesthood through the cohabitation of a non-Jew; and this also applies to any forbidden cohabitation through which she forfeits her priesthood.

10. If a woman had an abortion and thereafter gave birth to a healthy child, the learned should be consulted (regarding his redemption).

CHAPTER CLXV.

Laws Concerning the Training of Children and also Some Laws Concerning a Teacher.

1. It is the duty of every father to train his young children in the fulfillment of all the commandments, both of the Torah and of the Rabbins; each precept to be inculcated in accordance with the intelligence of the minor male or female. It is also incumbent upon him to guard them against the commission of things forbidden, as King Solomon had said: "Train the lad in accordance with his course" etc. (Prov. xxii, 6). If words are of no avail in correcting him, he should chastise him with a rod or the like, but he should not strike him mercilessly, as the fools do, for every prudent man will do it with wisdom. He should take special care to see that they tell no lies, to teach their tongues to speak the truth, and to keep them away from oaths. The above things are obligatory upon the father and upon the teacher.

2. The time for training a child for the performance of the positive commandments depends upon the ability and the understanding of each child. Thus if he knows what Sabbath signifies, it becomes his duty to hear *kiddush* and *habdalah*, and the like. As for the training of a child to observe the negative laws, whether of the Torah or of the Rabbins, it begins with every child when he possesses sufficient intelligence to understand when he is told that this we are forbidden to do, or that this we are forbidden to eat. It is proper to train a child to respond *amen* and all other things at the synagogue. From the time an infant begins to respond *amen* he has a portion in the world to come. It is necessary that they stay at the synagogue with awe and fear, but it is best not to bring those who run about to and fro and cause confusion.

3. Even one who is not the child's father is forbidden to give it to eat that which is forbidden, or to bid him to do anything that is forbidden. And according to the opinion of most of the jurists even a thing that is forbidden only by the Rabbins it is forbidden to be given to a child to eat, or told to a child to do. If the child is somewhat ill and it is necessary for him to partake of forbidden food, he may be fed through a non-Jew with food, the eating whereof is forbidden only by the Rabbins.

4. That which is not forbidden to be done for its own account, but is forbidden because of the (sanctity of the) day, is not included in the commandments in which a child should be trained. It is, therefore, permissible to give a child to eat before the *kiddush* has been said, although it is obligatory upon the father to train him in *kiddush*. He is, however, forbidden to give him eat outside of the *succah*, as it is only in the matter of eating before *kiddush* which partakes of the nature of a negative commandment (i.e., it is forbidden to eat before *kiddush*), that the law has been relaxed, but wherever the violation of a positive commandment is involved, he is forbidden to give it to him.

5. It is forbidden to give to a child, even if he is less than nine years of age, anything to bring out on the Sabbath, even if he needs it for the purpose of fulfilling a commandment, e. g., to bring out a Prayer Book or a Bible to the synagogue, or the like.

6. If a minor steals anything, he is bound to restore it if the article is still intact, but if it is no longer intact, according to law he is exempt to make restitution thereof even after he has become of age, but to appease Heaven he should make restitution after having reached the age of majority. If he committed any other crime in his minority, then when he was of the age of discernment, it is best that he should take upon himself to do a certain thing as penance therefor, and concerning this it is written: "Also that the soul be without knowledge is not good" (Prov. xix, 2).

7. One should not make any threats to a child that he would chastise him in the future, but if he saw him misbehave, he should punish him forhwith or else remain silent. It once happened that a certain child ran away from school and his father threatened him with future punishment. The child thereupon went and committed suicide (Tractate S'machoth, Chapter ii). Said the Rabbis, of blessed memory: The evil inclination, a child and a woman, the left hand should repulse and the right hand should caress. One should not threaten a child with any unclean subject (as stated above, Chapter xxxiii, 14).

8. According to law, it is permissible for a Jewish child to be nursed by a non-Jewess, nevertheless if it is possible to have it nursed by a Jewess it should not be given to a non-Jewess, for it tends to clog the heart and give it a bad disposition. If a Jewish nurse is bound to eat forbidden food as a remedy, if possible, she should not during those days nurse the child.

9. Every father is obligated to teach his son the Torah, for it is said: "And ye shall teach them to your children to speak of them." And just as he is obligated to teach his children, so is he obligated to teach his grandchildren, for it is said: "And thou shalt make them known to thy children and to thy children's children."

10. Immediately upon the child beginning to talk, he should be taught the verses: "The Torah Moses had commanded us" etc., and "Hear, O Israel" etc. (One should however, be exceedingly careful to ascertain whether or not the child is clean while he teaches him). He should likewise teach him little by little some verses, until he will be strong enough to attend school. At such time he should employ a teacher for him, and he should be extremely careful to engage a teacher who is God-fearing, so that he may accustom the child from his youth to be God-fearing. When the child has advanced to the study of the Scriptures, it is customary to begin to teach him the section of Leviticus, containing the laws of sacrifices, for the Rabbis, of blessed memory, said: "Let the pure (i. e., the children) come and engage in the study of purity."

11. The teacher is bound to teach the children the whole day and also some part of the night, so as to train them to study the Torah by day and by night. Under no circumstances should he cause the children to cease their study, excepting at the close of the day preceding the Sabbath or a Festival. Children should not be disturbed from their studies even for the purpose of building the Temple.

12. A teacher who abandons the children to themselves and goes out, or who doth some other work with them, or who teaches negligently, is included in: "Cursed be he who doth the work of the Lord with a slack hand" (Jer. xlviii, 10). Therefore a teacher should be appointed who is God-fearing, who can read fluently and possess the knowledge of grammar. A teacher should not keep himself awake at nights at an unduly late hour, in order that he may not be lazy to teach during the day. He should not fast or restrain himself too much from eating or drinking, and he should not eat or drink in excess, for all these things render him unfit to teach. He who deviates from these instructions, forfeits his rights to instruct and should be dismissed.

13. He should not punish them like an enemy with cruelty, neither with rods nor with canes, but with a light strap.

14. One should not teach to children a new subject on the Sabbath, because it is burdensome for the Sabbath, but he may review with them a subject that they had already learned once.

15. It is forbidden to rob a minor of anything he had found, and more especially of anything that was given to him as a gift.

16. A Jewish child shall not be given to a non-Jew to be instructed in some literature, or to be taught a profession, and needless to add that he should not be given to a Jewish heretic who is much more worse, and there is apprehension that he may follow him.

CHAPTER CLXVI.

Not to Practice Enchantment, to Observe Times, or to Use Witchcraft.

1. It is written: "Neither shall ye use enchantment nor observe times" (Lev. xix, 26). In what sense do we use the term enchantment? He who says: "Behold, the bread fell out of my mouth, the staff fell from my hand, my son called me from behind me, a raven croaked to me a fox crossed my path, a snake is at my right, a fox is at my left, therefore I will not go on this road for I will not succeed;" or Those who listen to the chirping of a bird and say: "Let it be this and not that; it is good to do this thing, and it is bad to do that thing;" or he who is asked for money and says: "I pray thee, leave me now: it is early in the morning and I do not wish to begin the day by making a payment;" or

it is the close of the Sabbath;" or "It is New Moon;" or those who say: "This cock should be killed because he crowed in the evening;" or, "That hen should be killed because it crowed like a cock," or anything similar to the above. All of the above are forbidden, and he who practices any one of these is guilty of transgressing a negative commandment. Some authorities hold that if he does not give the reason why he orders the cock or the hen to be killed, but he generally states that this cock or this hen should be killed, it is permitted to kill them. And the prevailing custom is in conformity with his view.

2. A house, a child, and a woman, although no enchantment is practiced with them, still they may be regarded as tokens; as for instance, if one built a house or begot a child, or took a wife, if after those events he was thrice successful, he may regard it as a token and say: "This house prospers me" etc. It is likewise permissible to ask a child the verse he studies in school and depend on it to do some work, for it is regarded somewhat in the nature of a prophecy. Some hold that it is allowable to make some sign by which to ascertain a future act, as was done by Eliezer the servant of Abraham, or Jonathan the son of Saul; while other authorities forbid it. With all that, he who walks in integrity and trusts in the Lord, mercy will encompass him about.

3. What is meant by an "observer of times"? One who divines the times, saying that this day is good and that day is bad; that day is lucky for such and such work to be done; that year or that month is bad for such and such work to be done. The custom prevailing for weddings to take place only at full moons, is not included in enchanting or in observing the times, for this is done only as a good token, as is customary to anoint kings by a fountain, to indicate that his kingdom may be prolonged, so do they consider that as a good sign as the moon is full. Nevertheless no wedding should be postponed on this account, and especially no wedding should be had on this account when the bride is menstrually unclean. It is likewise customary to begin studying on the New Moon. Some also allow the custom prevailing that nothing should be begun on Mondays and Thursdays.

4. Our Rabbis, of blessed memory, said again: What is meant by Meonen (generally interpreted "An observer of times")? It refers to one who deceives the eyes (derived from the word *ayin* meaning eye); i. e., as if he had held the eyes of the public closed in that he deceives them by doing things by means of skillful contrivances, and making it appear that he is doing wonderful and supernatural things, while in reality by his dexterity and contrivances he deceives them. The clowns who practice this at weddings are guilty of violating a negative commandment, and they who order them to do it are guilty of transgressing: "Before the blind" etc. Therefore the one who is in a position to prevent such practice should do so. And it is certainly forbidden to observe and to see these things. However, if it is performed by a non-Jew it may be observed.

5. It is forbidden to inquire of wizards, unless where there is danger to human life, or if any malady came to one through witchcraft, mishap, or evil spirit; in such cases the one affected may be cured by a non-Jewish wizard.

CHAPTER CLXVII.

Laws Concerning Idolatry.

1. It is forbidden to derive any benefit from idols, their appurtenances, their ornaments and their sacrifices, and if any of these become mixed up with objects not forbidden, even if it be only to the extent of one thousandth part thereof, it is forbidden to derive any pleasure out of the entire mixture.

2. The law of annulment applies to idols, their appurtenances and their ornaments; that is, if the heathen destroys them with his hands with the intention that it be no longer used as an idol, it is permissible to derive benefit thereof.

3. If candles were lit in front of an idol and thereafter the heathen extinguished them to be used by him for his purpose and then sold them to an Israelite, the latter may derive benefit from them, inasmuch as he extinguished them for his personal use this constitutes their annulment. Nevertheless such candles should not be converted to be used in connection with the performance of a precept; this applies to everything belonging to an idol and which was abolished, although it is permitted to make common use thereof, it is forbidden to be used in connection with the performance of a precept, because they are abominable to God.

4. Regarding the vestments that the priests put on while entering the house of idol-worship, some hold that they are only the ornaments of the priests and not of the idols, and therefore do not require annulment, while others require annulment.

5. It is forbidden to stare at idols or their beauty, for it is said: "Ye shall not turn to idols." It is necessary to keep away from the house of idol-worship, and especially from the idol itself, a distance of four cubits.

6. If a splinter got into one's foot, or if one's coins were scattered in front of an idol, he should not bend down to remove the splinter or to gather his coins, because it would appear as if he bows to the idol, and even if there be no one present, it is forbidden. But he must first sit down, or turn his back or his side towards the idol, and thereafter do what he needs.

7. There is one authority that holds that it is forbidden to lend money for the purpose of building houses of idol-worship, or to buy ornaments therewith or to hire sextons, and a fortiori that it is forbidden to sell them usable objects, and he who keeps away from doing that will prosper.

It is not permissible to put a binding on books dealing with idolatry, excepting law-books or literature. If one apprehends the hatred that such refusal may result into, he should at least avoid it as much as possible.

8. In the place where idol-worshippers assemble and say that there their sins are being forgiven, it is forbidden to do business with them.

9. It is forbidden to mention the name of an idol whether for some need, as for instance, to say to somebody that he should wait for him near a certain idol, or even needlessly, for it is said: "And the name of other gods ye shall not mention" (Exod. xxiii, 13). And it is forbidden to cause a heathen to mention the name of an idol, for it is said: "It shall not be heard by your mouth" (l. c.); i. e., it shall not be heard through your efforts. If (in a certain trial) the heathen is bound to take an oath, some authorities relax the law and permit him to swear. It is allowable to mention the names of their holidays which are named after some individuals, providing he does not mention them in the manner the heathens do, with language indicative of respect.

10. All kinds of scourning is forbidden, except scourning relative to idols which is permissible.

11. It is forbidden to give a gift to a heathen of one of the seven peoples (who inhabitated Canaan) if he is not an acquaintance of his, for it is written: "And ye shall not show them mercy" (Deut. vii, 2); it is explained. "Ye shall not give them a free gift." However, if he is one of his acquaintances, it is not considered as a free gift, for in time he will return his favor, or he has already compensated him for that, and then it is in the nature of a sale.

12. It is forbidden to tell their praises, even as much as to say: "How beautiful the form of that heathen is," and especially not to tell of their praiseworthy deeds or to hold in esteem some of their sayings, for this is likewise included in: "Ye shall not show mercy unto them," i. e., you shall not describe any grace unto them. But if he means thereby to praise the Holy One, blessed be He, that He created such a beautiful creature, it is permissible.

13. It is permissible to help their poor, to visit their sick, to bury their dead, to deliver a funeral oration, and to comfort their mourners, for the purpose of preserving peace.

14. An Israelite should not be alone with a heathen of one of the seven peoples, because they are suspected of bloodshed.

15. A heathen is not permitted to nurse a Jewish child in her own house, even when others are present. She may, however, nurse it in the house of an Israelite if others are present either all the time or even if they only go in and out, providing the child is not left with her alone in the night-time.

CHAPTER CLXVIII.

Images That Are Forbidden.

1. It is written: "Ye shall not make with me gods of silver," etc. (Exod. xx, 23). Our Rabbins, of blessed memory, have received it by tradition that the foregoing is an inhibitory commandment not to draw pictures of objects on high or of below, i. e., you shall not make anything resembling My servants that minister before Me. Therefore it is forbidden to make a picture of the four faces on the Chariot, the images of *S'raphim*, *Ophanim* and of the ministering Angels. It is forbidden to make these even when they are not in relief, and even when made for a heathen. It is permitted to keep it in the house if they are not in relief, but one is not allowed to tell a heathen to make them, because it is forbidden to tell a heathen to do anything prohibited by law, the same as is the case with the prohibitions of the Sabbath.

2. It is likewise forbidden to draw the picture of a man, even only the face of a man is forbidden to be made, and it is even forbidden to keep it in the house, unless it be slightly disfigured. And this is true only with a complete face, i. e., having two eyes and a nose, but if it represents only half of the face on one side (profile), as is customary with some painters to make only a profile, this is not forbidden.

3. A ring which has a seal thereon consisting of a man's image, it is not permitted to keep it if it is made in relief, but it is permitted to make a seal therewith since it becomes sunk in. If, however, the figure was sunk in, it is permitted to keep the ring, but it is forbidden to make a seal therewith, for it is then made in relief.

4. One should not make a house after the pattern of the Holy Temple, commemsurate with its height, length and breadth, nor a corridor modelled after the porch (of the Temple), nor a court modelled after the court of the Temple, nor a table modelled after the table of the Temple, nor a candelabrum patterned after the candlestick which stood in the Sanctuary. One is, however, permitted to make the latter of five, six or eight branches, but he may not make it of seven branches even if made of metal other than gold, and even if made without bowls, knops and flowers, and even if it is not eighteen handbreadths high, for all of the foregoing were not essential adjuncts of the candlestick of the Sanctuary.

5. Some people are accustomed to make a candelabrum for seven candles, by making seven branches in a circle and one in the centre, but many jurists forbid that, and where there is involved a Mosaic prohibition it is proper to follow the stricter opinion.

6. If one prepares the oil of anointment with the same workmanship and in the same weight as prescribed in the Torah, he is to be punished by being banished from his people, and if he does it unintentionally he must bring a sin-offering, provided he has done it with the intention of anointing himself. He who prepares incense of the eleven ingredients as prescribed in the Torah according to its proportion, even if he had prepared only half or only one-third thereof, is punished by excommunication. But if he made it for the purpose of studying thereby he is not guilty.

CHAPTER CLXIX.

The Prohibition of Tattooing and Making Baldness for the Dead.

1. It is written in the Torah: "Ye shall not print any marks upon you" (Lev. xix, 28). What is the meaning of "printing marks"? A mark which is edged in and submerged in the skin so that it can never be erased. One who scratches his skin and inserts in the incision stibium or ink or any other coloring matter which leave a mark, likewise one who first dyes his skin and then scratches it there, transgresses a negative precept. Nevertheless it is permitted to put powder and other things upon a wound for medical purposes even if a mark remain; for this would also ensue as a result of the wound and this would show that it was not done for the sake of tattooing.

2. It is written: "Ye shall not make any cuttings in your flesh for the dead" (ibid.) and it is also written: "Ye shall not cut yourselves, nor make any baldness between your eyes for the dead" (Deut. xiv. 1). Scraping and making incision are one and the same, and are prohibited whether on account of the dead or not. Even to smite one's flesh with the hand so that blood flows is prohibited, and any other form of self-mutilation is also prohibited.

3. Baldness is the plucking out of the hair of the head on account of the dead, and even (the plucking out of) a single hair, is prohibited. Women likewise are to be cautioned against transgressing the precept: "Ye shall not make any baldness' (ibid.), and much more so with regard to: "Ye shall not make any cuttings" (Lev. xix 28).

CHAPTER CLXX.

Laws Forbidding the Shaving of the Hair of the Temples and the Beard.

1. It is forbidden to shave off the hair of the temples on both sides of the head at their juncture with the hairs upon both cheeks and before the ears, and according to some authorities, it is forbidden to cut the same even with scissors like a razor very close to the skin so that no hairs remain. Therefore if it be necessary to shave off the "corners" for the sake of health (e. g., in the case of an operation) one must take care not to shave them off quite close to the skin. The length of the hair of the temples is estimated to be from the hair of the forehead as far as the hair below the ear where it is divided by the chin.

2. The Torah has forbidden the shaving of the "corners" of the beard with a razor only. There are five "corners" of the beard, and there are many opinions concerning them; therefore, one who fears God should not use a razor on any part of his beard, even on his upper lip or

under the chin. There is no difference (in the law) between a razor and a sharp stone which cuts the hair, e. g., a pumice-stone, they are both forbidden. All who remove their beard by means of a lapideous salve should be careful not to scrape off the salve with a knife which might cut the hair but they should use instead a piece of wood.

CHAPTER CLXXI.

Things Forbidden because a Male may not put on a Woman's Garment.

1. A man is forbidden to put on even a single garment of a woman even though he would be recognized as a male by his other garments. A woman is likewise forbidden to put on a single garment of a man. Not only are the garments forbidden, but also the ornaments and the various toilet utensils used by women for adorning themselves in that locality are forbidden to be used by a man in a similar manner and for a similar purpose. What is specifically intended for men must not be used by a woman.

2. A male is forbidden to remove the hair from under the arm pits and from the nether parts even with a pair of scissors if it looks like it was done with a razor, i. e., when it is cut close to the skin, for this is an improvement for women. It is forbidden to rub with his hands the hair of the arm pits or of the nether parts so that they fall out, but it is permitted to be done by means of a garment. The one who has scabs in the arm pits or in the nether parts, is permitted to remove the hair if they trouble him.

3. A man is forbidden to pick even one gray hair from amidst the black ones, inasmuch as this is the beautifying of a woman and he thereby transgresses the violation: "A man shall not put on" etc. (Deut. xxii, 5). He is likewise forbidden to dye one gray hair of his into black, and he is forbidden to look into a mirror, but it is permissible if he looks therein for some remedy, or when he cuts his hair, or to remove the stains from his face, or to remove the feathers from his head. In a place where it is customary for men to look into mirrors, it is permissible on every occasion.

CHAPTER CLXXII.

Laws Concerning New Crops.

1. It is written: "And bread and parched corn and green ears ye shall not eat to this very day," etc. (Lev. lxxiii, 14); it means to say that they are forbidden to eat of the new crop belonging to the five kinds until after the offering of the *omer* which took place on the sixteenth of Nissan. Nowadays, when no *omer* is offered, they are forbidden the

entire day. In the countries outside of Palestine, where two days of the Festival are being celebrated because of the existing doubt, it is also forbidden the entire day of the seventeenth until the beginning of the night of the eighteenth. Grain which was sowed and took root before the sixteenth day of the present Nissan, this *omer* makes it permissible and it may be used immediately it is reaped. However, if it did take root before the sixteenth day of Nissan it is forbidden until the *omer* of the next year.

2. According to the opinion of most of the celebrated jurists the foregoing prohibition applies also to countries outside of Palestine pursuant to the laws of the Torah. Therefore it is essential to be extremely careful concerning crops sowed at times after Passover or immediately before Passover, but which did not take root before the sixteenth day of Nissan, such as barley and ears of corn and in some places also wheat, that these be forbidden until the seventeenth day of Nissan of the next year. (If it did take root on the sixteenth day of Nissan, it is permitted to be used at the beginning of the night of the seventeenth of the next Nissan in any event). The beer which is made out of this crop is likewise forbidden until after the next Passover; also the lees is forbidden. If dough was made leaven therewith, even if it is made out of old crop, the whole dough is forbidden because of the yeast. Concerning crops which are doubtful whether they are old or new, a sage should be consulted.

3. Some authorities are of the opinion that the prohibition concerning new crops applies only to products raised in the domain of an Israelite. Even if the field belongs to a non-Jew but an Israelite had leased it from him, the law of new crops applies to the products thereof. But this prohibition has no application to crops raised in the domain of a non-Jew. On this opinion many people rely in cases of emergency. Nevertheless concerning the crops raised in the domain of an Israelite there is not the slightest reason to permit it. Many authorities, however, differ and hold that even when raised in the domain of a non-Jew it is subject to the law of new crops; and a blessing will come upon the one who follows the stricter opinion.

CHAPTER CLXXIII.

Laws of 'Orlah (the Fruit of Trees of the First Three Years).

1. The enjoyment of the fruit, seeds and skins of all kinds of trees (planted) for food, whether they belong to a Jew or to a heathen, even if they grow in a pot without a hole, during the first three years from the time they were planted is entirely forbidden. These three years are not reckoned in full from one date to the other, but if one had planted the seed before the sixteenth day of Ab, inasmuch as there are yet forty-four days to (new Year) of which fourteen days are the period in which the plant takes root, and the thirty days that remain of that year are counted as a full year, so that two years are subsequently counted from Tishre. If, however, one planted at any time on or after the sixteenth day of Ab that (part of the) year is not counted at all, and he must count three years from Tishre.

2. On the fourth year the fruit is called "the growth of the fourth year" and it must be redeemed. How does one redeem it? He severs it after it is fully ripe, takes a silver coin, or permitted produce to the value

of a *p'rutah*, and he says: "With this do I redeem the fruit of the fourth year growth." He then takes the coin or the produce, destroys it and throws it into a river. In countries outside of the Holy Land the benediction over the redemption is not said.

3. One who had planted a seed, or branch, or who had transplanted a tree, is obliged to count the fruit of all these as *'orlah*. If one grafted a branch upon a different tree, likewise one who had bent the branch of a tree and had inserted it in a hollow in the earth (which he had prepared for it) in such a manner that the middle of the branch is buried in the ground while its end protrudes from the opposite side, even if he had severed it from the trunk of the tree, the laws concerning fruits as *'orlah* are not applicable thereto in countries apart from the Holy Land.

4. A tree which was cut down until its stump remained, being a handbreadth from the ground in height, if that stump should subsequently grow, one is not obliged to count its fruit as *'orlah*. But if the stump were less than a handbreadth high, he is obliged to count whatever grows subsequently as *'orlah*, and its years should be counted from the time the tree was cut down. A tree which was uprooted and had some of its roots attached to the ground, even if it is only as thick as a needle, it is certain it can sustain its life without requiring additional earth, and its produce is exempt from being counted as *'orlah*, even if much additional earth was added.

CHAPTER CLXXIV.

Laws Forbidding the Grafting of Diverse Kinds.

1. The grafting of diverse kinds of trees is included in "Thy field thou shalt not plant with diverse seeds" (Lev. xix, 19). Therefore it is forbidden to graft a tree of one kind upon that of another kind, e. g., to graft the branch of an apple-tree upon a citron tree or vice-versa. Even if the species be similar, such as the branch of an (ordinary) apple-tree upon an apple-tree that grows in the woods or the like, inasmuch as they are two different kinds it is forbidden to graft them. An Israelite must not allow a heathen to graft for him two diverse kinds of trees.

2. It is forbidden to preserve a tree that is grafted with a diverse kind, but is permitted to enjoy the fruit thereof. It is permitted to transplant the branch of a tree grafted with a diverse kind.

3. The mingled seeds of the vineyard and the mingled seeds of the grain are not forbidden in countries outside the Holy Land, unless one had sown two kinds of grain or two kinds of vegetables together with the seeds of the vineyard.

CHAPTER CLXXV.

Laws Concerning Diverse Kinds of Cattle.

1. It is forbidden to let one's cattle gender with a diverse kind. This also applies to beast and fowl, as it is forbidden even to cause them to gender together.

2. It is forbidden to have work done by animals of diverse kinds, e. g., to plough with them or to let them draw a vehicle. It is forbidden even to lead them by one's voice by calling to them when they are har-

nessed together. Therefore it is forbidden for an Israelite to walk at the side of the cart of a heathen drawn by heterogeneous animals and having a load of the Israelite therein, as it may be feared that the Israelite will cry after them to hasten their pace, and that is forbidden on account of leading heterogeneous animals.

3. One is forbidden to sit in a vehicle drawn by heterogeneous animals even if he should not drive them.

4. One should not attach to a vehicle drawn by beasts or one kind, a beast of a diverse kind, neither at the side of the vehicle, nor behind it.

5. One is forbidden to tie two heterogeneous animals, even for the purpose of guarding them so that they should not run away. Regarding fowl it is essential to be careful not to tie together two different kinds, for some people are in error concerning this.

6. A mule is bred by a horse and an ass, and consists of two species. One species is bred by a horse and a she-ass, and the other by a mare and an ass. They are considered as heterogeneous beasts, therefore one who wishes to tie two mules together should first examine their characteristic features, such as the ear, tail, and voice. If there be a similarity in these, it is obvious that the female parent of both belongs to the same species, and it is permissible to tie them together. Some auhorities are of the opinion that even one mule is considered as being "of a diverse kind," having bred by heterogeneous species,, and is forbiden for the purpose of doing any work with it or for riding thereon.

CHAPTER CLXXVI.

Laws Concerning Garments Made of Linen and Wool.

1. It is forbidden to mix wool of lambs and goats with linen because of the precept forbidding (the mixture of) "Two things of diverse kinds" (Lev. xix, 19). Whether the woolen garment were sewn to the linen garment, even if it were sewn with silk thread or hemp thread, or whether the woolen garment were sewn with linen thread or vice-versa, or whether linen thread were tied to woolen thread or braided together, all of the above are forbidden because of the precept forbidding, "Two things of diverse kinds." If one fastened two pieces (of material) with only one stitch and tied it, or he fastened the same with two stitches without tying them, both cases are considered to be connected as far as "Two things of diverse kinds" is concerned, therefore it is forbidden to connect a woolen and a linen garment even with a needle without thread.

2. It is permitted to sew garments made of lambs skins with linen thread and there is no occasion to apprehend the possible connections of the woolen hairs with linen thread, as these woolen hairs, not being threads are of no account and are ignored.

3. To join flax and wool through a medium, for instance, to take a piece of leather and sew thereon a piece of wool and on the other side a piece of flax, according to opinion of Maimonides this is forbidden by the laws of the Torah. Some authorities are lax about this. Therefore, according to the latter opinion, skins sowed together with linen threads may

be used as a lining of a woolen garment (and although it is likely that the hemp thread wherewith he sews on the lining to the woolen garment will enter among the flax threads wherewith the skins are sewn together, we are not concerned about it). And such is the prevailing custom; nevertheless a man possessing a God-fearing heart should be scrupulous in accordance with the opinion of Maimonides.

4. Even if ten mattresses lie one upon another and the bottom one be a mixture of wool and linen, one is forbidden to sit on the top mattress.

5. If a big garment contains "two things of a diverse kind" at one end, it is forbidden to cover one's self with the other end, even if the former be resting upon the ground.

6. One who is sewing for a heathen, a garment made of "two things of a diverse kind" may sew it in the regular way, even if the garment rest upon his knees. He should not, however, intentionally derive pleasure from the garment being upon his knees. Sellers of clothes who carry the clothing upon their shoulders in order to sell them, are likewise permitted to do so. They should not, however, intentionally cover themselves therewith in order to protect themselves from the cold or rain. Nevertheless the God-fearing carry such clothes on a stick.

7. Handkerchiefs, towels, table cloths, and the like, also the covering of the reading desk in the synagogue upon which the scroll of the Torah is read, if they contain "two things of a diverse kind" their use is forbidden. It is also forbidden to make a curtain of "two things of a diverse kind", but the curtain before the Holy Ark may be made thereof.

8. Vehicles that are upholstered, in which princes ride and of which some are covered on the inside with woolen cloth containing diverse kinds, for it is presumed that they were sewn together with flax threads, it is permissible to ride in them, provided one is careful not to lean against the sides containing the diverse kinds. And especially should one be careful not to sit on the cushions that are of diverse kinds. Some authorities permit to sit on cushions of diverse kinds, since they are not made to be bent on (to cover) the side of men.

CHAPTER CLXXVII

Laws Concerning the First Born of Clean Animals.

1. If a clean animal gave birth, it is mandatory upon an Israelite owner to sanctify it and say: "This is holy," for it is said: "Thou shalt sanctify to the Lord thy God" (Deut. xv, 19). If he neglected to sanctify it, it becomes holy on its own accord as soon as it is born, and it should be given to the priest, whether it is without defect or it had received a blemish after its birth, or even if it was born with a blemish on it. However, it should not be given to the priest when it is very small, for this does

not constitute glorifying the priest. The owner should raise it until it grows up slightly, i. e., in case of larger animals he must keep it for thirty days, and in the case of smaller animals he should keep it three days. If there is no priest to be found, the owner is bound to keep it until a priest should happen to come.

2. If the priest said to the owner within the afore prescribed time: "Give it to me and I will raise it," he is not permitted to give it to him if it has no blemish, for it is apparent as if the former is doing a favor to the latter (in that he is willing to raise it for him in his stead), in consideration of his giving the animal to him (in preference to others) and such a transacton is forbidden because it is equivalent to the robbing of others (of their rights). If, however, the animal had received a blemish in the meantime and the priest had said to him, "Give it to me that I may it eat," he may give it to him, inasmuch as he may slaughter it immediately.

3. The priest is not allowed to refuse taking the animal from the owner for the mere reason that it is too troublesome for him to raise it until it receives a blemish, for he is thereby putting an insult on the priestly gifts. Nevertheless the Israelite is forbidden to give it to the priest with the intention of aggravating him or of taking revenge from him, and if he is doing it with this intention, the priest may refuse to accept it from him. If the Israelite was guilty of negligence in that he had an opportunity to sell it to a non-Jew before it was born and he failed to do so, the priest is not bound to accept it from him, but he himself must raise it until it receives a blemish and then give it to the priest.

4. Nowadays it is necessary to keep the first-born until it receives a blemish, and upon receiving a blemish it should be shown to three men versed in the Torah, one of whom should be so versed in the law as to be able to decide whether or not it is a blemish, and they declare it permissible for use. Thereafter it is slaughtered, and if it proves to be Kosher it may be eaten, and even an Israelite may eat thereof. It should not, however, be sold in the butcher's shop, it should not be weighed out by the pound, no part of it should be given to dogs, and no part thereof should either be sold or given to a non-Jew.

5. If a first-born receive a blemish, if there are found men competent to pass upon its validity, it should be shown to them immediately. After it is declared permissible for use, it should not be kept very long, but if it happened within the year, it should be kept until the expiration of the year, and if it happened near the close of the year or after the expiration of the year, it should not be kept longer then thirty days. If the owner transgressed and kept it longer than the prescribed time, it is not rendered unfit for use thereby.

6. It is the duty of the priest to keep it until it receives a blemish, and he may sell it to an Israelite whether it has a blemish or not, providing the latter treats it as behooves a holy first-born, and also providing he does not buy it with the intention of doing business therewith.

7. The skin of the first-born should not be stripped off whole through its feet, for it appears as an insult inasmuch as while the skin is still on the holy thing he intends to make thereof bellows.

8. If the first-born was slaughtered and was found to be unfit for consumption, it is forbidden to derive any benefit from its skin or from its meat, but it must be buried. If it had died a natural death it must likewise be buried. It is customary to enwrap it in a sheet and bury in a cemetery deep in the ground.

9. It is forbidden to fleece the first-born or do work with it, whether it is without defect or it is with a blemish. Even if some wool had become plucked off by itself, such wool may never be used. However, the wool found on its body while slaughtered upon having received a blemish, may be used, for the slaughtering renders the wool fit for use, just as it does with the skin and the meat.

10. The first-born becomes permissible for use only upon receiving a blemish, and it is forbidden to close it up in a vault so that it should die by itself, inasmuch as he is destroying holy things.

11. It is forbidden to make a blemish in a first-born, or even to cause it indirectly, as for instance to put some dough on its ear so that a dog may take it from there and thus bite off its ear, or the like. It is also forbidden to tell a non-Jew to make a blemish on it, but it is permissible to give it to a non-Jew to raise it and to take care of it.

12. If one had bought an animal from a non-Jew and it is not known whether that animal ever had given birth before, and now it gave birth in the possession of the Israelite, this is considered a doubtful first-born, even if the non-Jew tells, without being asked, that it already once gave birth, it is of no avail. Even the marks contained in the cuts of the horns is of no avail; even if she is being milked is no sign, unless it gives suck to a colt. If she is milked and in addition thereto the non-Jew tells, without being asked, and not to help along the sale, that the animal had once given birth, these two things do establish the fact of birth as regards cows but not as regards goats.

13. The law of the first-born of clean animals applies to Priests and Levites as well, only that the Priest sets it aside and keeps it for himself, and keeps it in a state of holiness as befits the first-born.

14. If a non-Jew has in partnership an animal with an Israelite, or if one receives an animal from a non-Jew to raise it and in consideration thereof he is to receive an equal share in the offspring, they are exempt from the law regarding the first-born, for it is said: "That opens the womb of the children of Israel", which means that the whole of it belongs to an Israelite. If a non-Jew takes an animal from an Israelite for the purpose of raising it and then divide the offspring among them, it is of no avail (with regards to exempt it from the law) according to the opinion of many jurists, but it is necessary that the Israelite sell the mother to the non-Jew.

15. It is mandatory to sell the unclean animal to a non-Jew, or to make a partnership with him before the animal gives birth, in order to exempt it from the law of the first-born. Although this tends to do away

with the holiness, but it is nevertheless preferable, so that no violations be committed in as far as the wool and the work is concerned. If he transfers title to the offspring (while not yet born), it is of no avail, because it is a thing that has not as yet come into existence, but he must give title to the mother. The transfer of title should be made in this wise: he should come to terms with the non-Jew about the price for the cow, and also rent him the place where the cow is found, and the non-Jew should give a *perutha* (a small coin), and the Israelite should say to him: "For this *perutha* you shall acquire possession of the place where the cow is standing, and this place will acquire title of the cow for you." Or it should be done thus: after they had come to terms about the price of the cow, the non-Jew should give him a *perutha*, and the former should also take it either into his own possession or into a lane, and he thus acquires title to it by means of the *meshicha* (actual transfer of possession) and the coin; even if he thereafter returns it to the possession of the Israelite, it matters not.

CHAPTER CLXXVIII.

Laws Concerning the First Born of an Ass.

1. If an Israelite has a she ass and she gave birth to a first-born it is mandatory to redeem it. And with what is it redeemed? With a lamb from the sheep or from goats, and it matters not whether it be big or small, whether perfect or with blemish, provided it has no organic defect, nor is it slaughtered already, nor was it found in a killed animal. This lamb must be given to a priest. And when is he obligated to redeem it? At anytime from the day it was born until it dies. It is nevertheless mandatory to redeem it immediately in order not to delay the performance of a precept. After it has been redeemed it became entirely unholy, and also the lamb in the possession of the priest is entirely unholy.

2. Immediately upon setting aside the lamb which is to be in the stead of the ass, the latter becomes unholy, even before he had given the lamb to the priest. Therefore immediately upon setting it aside, he must pronounce the benediction: "Who has sanctified us with thy commandments and hast commanded us concerning the redemption of the first-born ass."

3. No benefit may be derived thereof before it is redeemed, even if it was already given to the priest. And the priest himself is not allowed to derive any benefit therefrom until it is redeemed and he takes the lamb for himself. If it died before it was redeemed, it should be buried.

4. If he does not desire to redeem it, he should strike with a chopper on the back of its head until it dies, and then bury it, for no benefit may be derived therefrom. The precept of redeeming it takes precedence over the breaking of its neck.

5. Priests and Levites are exempt from the precept of redeeming the first born of an ass, and so are the daughters of the Priests and the daughters of the Levites. The husbands of the aforesaid are, however, obligated to redeem the first born of their asses. The partnership with a Priest or a Levite as well as the partnership with a non-Jew has the effect

of exemption, but it is forbidden to form such a partnership with them with the intention of doing away with the holiness of the ass, since this may be remedied by either redeeming it or by breaking its neck.

CHAPTER CLXXIX.

Laws Concerning Loans.

1. It is an affirmative precept to lend to a poor Israelite, as it is said: "If thou lend money to any of my people with thee that is poor, thou shalt not be to him as a creditor; neither shall ye lay upon him usury" (Ex. xxii, 25). Although the word "if" is written in the text, our sages, of blessed memory, have the tradition that this "if" is not to be interpreted as giving one the option to obey or disobey the precept but as being obligatory. Thus they say in the Mekhilta: "'If thou lend money to any of my people' this is a duty (to be observed). Dost thou say it is a duty, perhaps it is optional, therefore the verse teaches thee: 'Thou shalt surely lend him' (Deut. lv. 8). It is obligatory and not optional." And the reason "if" is written it means, if thou lend money to my people shalt thou lend and not to a non-Jew; and to whom of my people to him that it is with you. From this they inferred a poor man who is a relative takes precedence before other poor people, and the poor in one's city take precedence before the poor of another city. The religious act of lending to the poor is greater than the act of giving charity to the poor, for the latter is required to ask, and the former has not reached this stage. The Torah stigmatizes one who refuses to lend to the poor, as it is said: "And thine eye be evil against thy poor brother" (ibid. 9). Concerning the one who lends to the poor in the time of his distress the text says: "Then shalt thou call, and the Lord shall answer" (Is. lviii, 9).

2. Even if a rich man be in need of a loan, it is a religious duty to lend to him, and also to give him pleasure by means of kind speech and to advise him with advantage to his position.

3. It is forbidden to lend money even to a scholar without having a witness, unless a pledge be forthcoming. The best course is to have a note drawn up referring to the loan.

4. It is forbidden to exact payment from the borrower when it is known that he is unable to pay, even to confront him is prohibited lest he be put to shame since he cannot repay, and with reference to this it is said: "Thou shalt not be to him as a creditor" (Ex. xxii, 25).

5. Just as the lender is forbidden to oppress the borrower, so is the latter forbidden to withhold his neighbor's money which he has in hand by telling him to come again when he has it, as it is said: "Say not to thy neighbor, Go, and come again" (Prov. iii, 28).

6. A borrower is forbidden to take a loan and to lay it out unnecessarily so that it might be lost whereby the lender may not have anything from which he can exact repayment, even if the lender be very wealthy.

He who acts in this manner is called an evil-doer, as it is said: "The wicked borroweth, and payeth not again" (Ps. xxxvii, 21). The sages have commanded (us): "Let the money of thy fellow be as precious to thee as thine own" (Aboth ii, 17). And if the lender know that the borrower is a man of this type having no consideration for the money of others, it is better not to lend him money rather than to do so and to be compelled thereafter to exact repayment, and thereby transgress on each such occasion the precept: "Thou shalt not be to him as a creditor" (Ex. xxii, 25).

7. He who lends on a pledge must avoid using the same, as it might be considered to be interest. If one lends to a poor man on the security of a ploughshare or an axe or the like which can be hired out at a good price and will only be slightly worn by use, he may let it out on hire without asking the owner's permission and he can deduct from the debt the proceeds, as it can be assumed that the borrower would agree to this. Some authorities hold that the lender may hire out these articles to other people, but not to himself, lest he be suspected of using the article free of charge merely because of the loan.

8. If the lender wants to take a pledge from the borrower, not at the time of lending but thereafter, he must not do so except with the consent of the Court of Law.

9. One should always avoid as much as possible becoming a surety or receiving trusts.

10. If one have a note of indebtedness against his neighbor, which was becoming worn away and the script thereof was likely to be erased, he should go to the Court of Law to have it certified.

11. One must not keep a cancelled note in one's house, as it is said: "And let not unrighteousness dwell in thy tents" (Job xi, 14).

12. Just as it is necessary to be careful in looking after a bailment so also must one be still more particular in taking charge of a pledge, since he (the lender) becomes like a paid keeper with reference to the pledge. Just as the one entrusted therewith is not permitted to hand over the bailment to another person to take charge of same, so the lender is permitted neither to deposit the pledge with another nor to pawn it without the consent of the owner.

13. He who lends his neighbor on a pledge with the condition that if he should not repay the loan at a certain time, he should forfeit the pledge, then the lender must take care to tell the borrower when the loan is made: "If you do not redeem the pledge by such and such a time, I shall have title thereto from the present time."

14. If one be aware of his indebtedness to his neighbor, but the latter says to him: "I am convinced that you do not owe me anything," he is exempt thereby from repayment, for the lender forgoes his claim.

15. When a borrower repays the lender through a messenger, the latter acquired full title to the money on behalf of the lender immediately it is handed to him. Should the borrower regret having paid and desire again to borrow the money from the messenger (stipulating) to repay him after a while, he is forbidden to do this transaction, as it is borrowing without the owner's knowledge, and the messenger is also forbidden to return the money to the borrower.

CHAPTER CLXXX.

Laws of Release.

1. The majority of the authorities on Jewish law agree that the cancellation of cash debts obtains in these days also, even outside Palestine. The general masses ignore this law and the great teachers in Israel, of blessed memory, have protested against this. A few of them have endeavored to find an excuse for the non-observance of the Law, based on the interpretation of a few authorities who are not stringent in this matter. If, however, anyone should wish to be particular in observing the precepts, he is now indeed obliged to follow the teaching of the majority of the authorities, of blessed memory. In a particular instance one can evade the difficulty by means of the *prosbul* document (a document stipulating that the law of release on the Sabbatical year should not apply to this particular loan), and thereby he will escape a monetary loss. The year of release was in 5628 and again in 5635.

2. The seventh year causes the release of every loan and it makes no difference whether the loan were arranged orally or by deed or even on mortgage. If one gave to his neighbor money by means of a "business partnership" according to which half the money is considered to be a loan and the other half a deposit, the half which is a deposit is not released.

3. If one lend to his neighbor on a pledge, the loan is not released (on the Sabbatical year); and if one lent on the security of real property, a diversity of opinion as to the law obtains in this case.

4. If a surety paid to the lender, and before the borrower had paid the surety the year of release had intervened, then the debt is cancelled.

5. One who has to take an oath concerning the money he owes his neighbor, and if he were to admit his liability the year of release he would cancel the debt, then it cancels also the oath.

6. One owes money to his neighbor and denies his liability. The parties come to law and the borrower is adjudged guilty, and the judges write their judgment and hand it to the lender, then the year of release does not cancel this debt.

7. If one lend money to his neighbor and make an agreement with him saying, "The year of release shall not release my loan," the loan is nevertheless released. But if he agreed with him that he would not release him with regard to this debt, even if it happened to be the year of

release, it does not cause the debtor to be released. Likewise if he wrote in a document the term "bailment" the year of release does not cancel the transaction.

8. If one lend money to his neighbor for a period of years, and the time of repayment occur after the year of release, the debt is not cancelled thereby, because the lender was unable to claim the same earlier.

9. One who delivers his documents to the Court of Law saying to the judges: "Collect my debt," the same are not cancelled by the year of release.

10. One who sells to his neighbor on credit is considered as though he had lent him money and the debt is cancelled by the year of release. But the shopkeeper who sells to other people on credit and it is not his custom to claim payment until a certain amount has accumulated, the same is not cancelled. If, however, he charged it to him as a loan, that is to say, he reckoned all these items together and entered the sum total in his ledger, then he is considered a lender and the debt is cancelled by the year of release.

11. The wages of a hired man are not cancelled, but if the same was charged to him as a loan, the year of release cancels it.

12. Whatever is derived from a non-Jew is treated as though it were identified with the non-Jew. Therefore if one should purchase from a non-Jew a note of indebtedness due by an Israelite, the year of release does not cancel the note because the non-Jew can collect the debt of his note under all circumstances. If one went surety to a non-Jew on behalf of an Israelite, and the latter failed to pay his debt, so that it becomes necessary for the other Israelite, who was surety, to pay the non-Jew from whom he takes the note referring to the borrower, then the same is not cancelled by the year of release. If there were no note, but he sues his neighbor on an oral loan and says that the latter is obliged to pay the non-Jew on his behalf, then this neighbor need not pay.

13. The year of release cancels money debts only at its close, therefore the one who lends his neighbor in the year of release, may collect the debt during the whole of the year, but at sunset on the eve of the (following) New Year the debt is cancelled.

14. A borrower who comes to pay a debt to the lender after a year of release has elapsed, and the lender says to him: "I cancelled the debt and you are already released as far as I am concerned." If the borrower say to him: "Nevertheless, I wish you to accept the money from me," the lender may do so, but the borrower must not say to him: "I pay you this money on account of my debt," but he should say: "The money is mine and I give it to you as a gift." The lender may even make an effort to persuade the borrower to say that he is giving the money as a gift, and if this cannot be done, he must not accept the same.

15. The document called *prosbul* relieves one from granting a release (in the sabbatical year). A *prosbul* is obtained as follows, the lender goes to three men, learned in the Torah, who form themselves into a Court of Law. He says to them: "Ye are judges, I deliver over to you all the claims that I have against so and so, so that I can collect them

when I desire," they then write for him a *prosbul* as follows: "In a session of three judges (where) we were together, so and so the lender came and said in our presence, I hand over, etc." The three of them sign at the foot of the document in the capacity of judges or as witnesses. They can do this also at the close of the year, that is to say before sunset on the day before the ensuing New Year. Some authorities say that it is not even necessary to write the *prosbul*, but it suffices by reason of what he has stated in their presence. If there be no Court of Law in his town, he can say: "I hand over my deeds to a Court of Law which is in such and such a place."

16. The *prosbul* is of no avail unless the borrower has a piece of ground, be it ever so small it will suffice. Even if he have only a flower pot which is perforated, and even if the borrower have nothing at all, but some one to be surety for him or some one who is indebted to him has some ground this is also sufficient. But if these latter persons have nothing and the lender have a piece of ground, be it ever so little, he can transfer it to the borrower even through a third party and even in his absence, and this is sufficient to make the *prosbul* valid.

CHAPTER CLXXXI.

Laws Concerning a Plaintiff and Defendant also regarding Testimony.

1. When there is a controversy between two persons, they should agree peacefully to compromise, each making the other some allowance in order to avoid as much as possible the humiliation of a legal process.

2. If it be impossible for them to agree to compromise, and they are forced to go to law, they should have recourse to a Jewish tribunal. It is forbidden to bring a trial before heathen judges and in their courts, even if their decision would be in accordance with the law of Israel. Even if the two litigants agreed to try the case before them, it is prohibited. Even if they made either an oral or a verbal agreement to that effect, it is of no avail. The one who does go to trial before them is wicked, and he is considered as if he had defied, blasphemed and rebelled against the Torah of Moses, may he rest in peace. Even in the cases where a man may take the law in his own hand, as will explained, if it please God, in paragraph 9, yet it is prohibited to enforce it through a heathen. Even if he does not bring the case before a heathen tribunal, but he forces his opponent, through a heathen, that he go with him to a Jewish court, he deserves to be stretched on the pillar (i. e., to receive a flogging.)

3. In case of *force majeure*, or if the defendant be hard and unyielding, the plaintiff should first summon him to appear before a Jewish tribunal and on his refusal to comply with the summons, the plaintiff should obtain the consent of the Beth Bin and protect himself by a civil process in a public Court of Law.

4. One who is sued for money, which he has in his possession, is forbidden to seek underhand means to escape from the demands of the claimant, thus forcing the latter to agree to a compromise whereby a part of the claim will be remitted. If he transgressed the commandment and did this, he has not fulfilled his obligation before Heaven, until he gives the claimant what is due to him.

5. It is forbidden for one of the litigants to present his case before the judge in the absence of his fellow-litigant. For that reason he should not precede his fellow-litigant in appearing before the judge, in order that he should not be suspected of hastening to present his case in the absence of his opponent.

6. Just as the judge who takes a bribe, even to acquit the innocent, transgresses a negative precept, so he who gives the bribe transgresses a negative precept, "Thou shalt not put a stumbling-block before the blind" (Lev. xix, 14).

7. One is also forbidden to put in a false plea even though he knows that although he is innocent, yet if he plead truthfully, judgment will be given against him, despite that he must not plead falsely. Thus it is stated in the Talmud: Our Rabbis have taught us: Whence do we know that he who is entitled to demand one hundred shekels from his neighbor, should not say, I will claim two hundred so that if he admit owing the one hundred he will be obliged to take an oath (with regard to the matter in dispute), and I will compel him to take the oath with regard to some other matter. From the verse which says: "Keep thee far from a false matter" (Ex. xxiii, 7). Whence do we know that he who is entitled to demand one hundred from his neighbor and he demands two, then the borrower should not say, I will deny the entire transaction in the Court of Law, but outside I will admit to him (that I owe him one hundred), so as to avoid the necessity of taking an oath and thereby he will be unable to make me swear with reference to some other matter. From the verse which says: "Keep thee far from a false matter." Whence do we know that if three people be entitled to demand one hundred from one person, that one of them must not be the plaintiff and the other two as witnesses in order to obtain the one hundred shekels and divide it among themselves? From the verse which says: "Keep thee far from a false matter" (Shebu'oth 31a.).

8. Occasionally the litigants choose men to arbitrate between them jointly with the Court of Law or apart from Court, this is a proper course to pursue, for each one advocates the merits of the one who had selected him and the compomise will be properly effected, provided the arbitration be conducted in a just manner. But Heaven forbid that the compromise should be effected in a perverse way! For just as they are warned not to wrest a judgment so are they warned not to wrest a compromise.

9. A man may, at times, take the law in his own hand. If he sees an article of his in the possession of some one else, who had robbed it of him, he may take it away from him. If the latter opposes, the former may even beat him until he consent thereto, if he is unable to get it by other means. He may do so even if the article be such of which he will sustain no loss if he should wait until he summons him to court. If there are witnesses who see the owner seize the article from the unlawful owner, the former cannot seize it by means of a beating unless he can thereafter prove that he had seized what was his. Should he be unable to so prove it, his

seizing the article will be of no avail, since there were eye-witnesses. But where there are no eye-witnssses, and his seizing the article is effective, he may do so although he will be unable thereafter to prove his ownership.

10. When the men of a town appoint a Court of Law for themselves they must know whether each one (composing the tribunal) possess the following seven qualifications—wisdom in the Torah, humility, reverence, the hate of money even of their own, the love of truth, their fellow-creature's love towards them, the possession of a good reputation because of their conduct. Whosoever appoints a judge unfit for his position transgresses a negative precept, as it is said: "Ye shall not respect persons in judgment" (Deut. i, 17), meaning thereby, "Ye shall not favor anyone" by saying "so and so is wealthy, so and so is my relative, I will cause him to sit on the bench." It is forbidden to stand up in the presence of any judge who is appointed by means of silver and gold, and it is likewise prohibited to show him any mark of respect. With reference to such a person the Rabbis apply the text: "Ye shall not make with me judges of silver nor judges of gold" (Ex. xx, 23).

11. In towns where there are no wise men fit to be judges, they appoint the best and wisest of the townsmen in the opinion of the town people, and they shall act as judges, although they are not properly qualified to act as such, in order that the people should not appear before the tribunal of the non-Jew. As soon as the townsmen have accepted them (as judges) they cannot be removed from office, and all their deeds should be done for the glory of Heaven.

12. One who can testify on behalf of his neighbor, if it be proper to testify on his behalf, and his neighbor would derive some benefits from his testimony, if the latter summon him to testify on his behalf at the Court of Law, he is obliged to testify for him. Whether there be another witness besides him or whether he be alone, and if he suppress his testimony he is guilty according to the Divine laws. One is forbidden to testify concerning a matter unknown to him, although a reliable person should say to him that he would not lie by testifying in this manner, and even if the litigant said unto him: "Come and stand near the one witness whom I have and do not testify, only do this in order that my debtor shall be frightened, thereby imagining that I have two witnesses and he will admit his obligation to me"; he must not hearken unto him, as it is said: "Keep far from a false matter" (ibid. xxiii, 7).

13. A witness cannot testify alone, except when a money transaction is involved, when his single testimony is available in a matter requiring the administration of an oath. He can only testify regarding a prohibition, if it were not already violated, in order to make one refrain from a violation. But if his neighbor had already violated the prohibition, one witness should not testify, for his single evidence is not believed and it is only as though he spread an evil report concerning his neighbor.

14. The testimony of one who is rewarded to testify is null and void. This, however, relates only to one who had already witnessed the facts in evidence, upon whom it, therefore, devolves to testify gratuitously. One is, however, permitted to take a compensation which should be no more than proportionate to the trouble involved in going to witness a transaction regarding which he will subsequently be required to testify.

If it be troublesome for him to go before the Court, he can also take a proper compensation for the trouble he has, but no more.

15. Any witness who derives any benefit, or who has any interest, no matter how remotely, in the affair of his testimony is unfit to testify.

16. It is written: "And he had done no good among his people". And it is explained that this refers to one who comes with a power of attorney and brings litigation for a matter not belonging to him. This is only when both litigants are in town, but, e. g., if the borrower is a strong man or a good pleader and the lender is afraid to appear against him and gives a power of attorney to someone else, the latter quarrels about a matter not belonging to him. But if the defendant be in another town, and the plaintiff does not want to trouble himself to go here and gives someone else the power of attorney, the latter is doing a meritorious act in delivering the robbed one from the hand of the robber. Some authorities hold that if one come with a power of attorney in order to be benefited thereby, it is permissible.

17. One should abstain from taking an oath, even a true one, as much as possible.

18. If one's neighbor be obliged to testify on oath on his behalf, but he knows that he will swear falsely, he should come to terms in the best way possible, so as not to let him swear falsely, as it is said: "The oath of the Lord shall be between them both" (ibid. xxii, 11), and we infer from the text that the oath applies to both of them.

19. An Israelite who knows evidence concerning a non-Jew who has a law suit with another Israelite before a non-Jewish tribunal, if the former by his evidence will cause his fellow Israelite to become liable more than would be the case according to strict Jewish law, then he may not testify, but if this result will not ensue he may give evidence. If the non-Jew had agreed originally with the Israelite that the latter should testify on his behalf, and if he should not do so, the name of God would be desecrated (by the Israelite breaking faith) in failing to testify, under any circumstances he must give his evidence.

20. A person can testify as long as he remembers the facts, and he need have no fear that because it happened long ago his recollection thereof will not be clear, even if he cannot recollect his evidence unless he refers to the records which they will hand him, and which he wrote down in his own book to remind himself concerning the affair which he might forget and which he would only recall by reference to the record. If he recall the facts by being reminded thereof through another person, he can also testify even if the person be the second witness; but if the litigant himself remind him and he can recollect the facts, he must not give evi-

dence. The litigant can lay the facts before another person who in turn can remind the other party (who had forgotten the facts), for this would be a case of being reminded by another person.

21. A witness who is related to one of the litigants or to one of the judges, or if the witnesses be related to one another even though the relationship be on the wife's side, they are on certain occasions unfit to testify. Even if they be related only to the surety and not to the borrower, they are also unfit to bear witness on behalf of the borrower. The fact that the Torah has decreed that the testimony of relations shall not be valid, is not because of the love they bear to each other, for whether they testify to the innocence or the guilt of their relative, they are still unfit, it is simply a decree of the Torah, so that it were not proper even for Moses and Aaron to testify one for the other. Therefore any witness who is related to any of the other parties or witness, or even if the relationship were dissolved, the judges not being aware of that fact, he must inform them thereof, and they will tell him according to the Torah, whether it be right for him to testify or not.

22. If there be two witnesses, one of whom knows that the other is wicked and unfit to give evidence according to the Laws of the Torah and the Judges are not aware of his wickedness, he is forbidden to testify with him, although the testimony is true, as it is said: "Put not thine hand with the wicked to be an unrighteous witness" (ibid. xxiii, 1), as it is a decree of the Torah that the testimony of all is invalid even if the witnesses be many and only one among them is unfit to testify. Who is considered by the Torah to be an evildoer, who is unfit to testify? Anyone who transgresses in a matter which is recognized in Israel as a transgression, and which is a negative precept of the Torah, provided he transgressed intentionally and did not repent. If it can be assumed that he acted unintentionally or in ignorance, not being aware of the prohibition, he is not disqualified as a witness.

CHAPTER CLXXXII.

Laws Concerning Theft and Robbery.

1. It is forbidden to rob or steal even a trifle from an Israelite or from a Gentile. It is related in Tanna D'be Elijah: It is told that one said that a certain man had told him that he had wronged a non-Jew in measuring dates he had sold him. Thereafter he had bought oil for all the money he had received, and the jug broke and the oil spilled out. Then I said: Blessed be the Omnipresent who regards not persons. The Scripture says: "Thou shalt not oppress thy neighbor nor rob of him" (Lev. xix, 13), and the robbery of a non-Jew does constitute robbery.

2. If it be a thing of such little value that no one would bother about it, e. g., a chip from a bundle for a tooth-pick, it is permitted. It is pious conduct to avoid doing even this.

3. It is also forbidden to steal from one's neighbor even with the intention of returning it, it being done merely to annoy him somewhat or by way of a joke.

4. It is also forbidden to oppress one's neighbor in the slightest degree, as it is said: "Thou shalt not oppress thy neighbor" (Lev. xxix, 13). Who is an oppressor? One who has come into possession of his neighbor's money with the consent of the latter, e. g., he has in his possession a loan or rent and does not wish to refund it or he puts him off by saying, "Come again." If one borrowed an article which is still intact, he is forbidden to deny it, for this constitutes true robbery. Furthermore even when buying ought from a non-Jew, it is prohibited to fool him in counting out the money to him, as it is written: "And he shall make a reckoning with his buyer," and this refers to a non-Jew. For the latter conveys the article only in consideration of the sum agreed, and if the purchaser fools him upon paying therefor, it is tantamount to stealing the article. Even deception not involving any loss of money is forbidden. He who deceives him in counting the money is equivalent to one that steals from him, and not to one who denies the debt.

5. If one covet his neighbor's house or utensils or article which the latter has no intention of selling and he uses the influence of many friends or by his own insistence urges him to sell it to him, he trasgresses the precept: "Thou shalt not desire" (Deut. v, 21), from the very moment that his heart was enticed, and he thought by what means he could buy it; for "desire" is only of the heart. Desire leads to covetousness. The one who buys the things which he has desired transgresses both negative precepts, it is therefore said: "Thou shalt not covet" and "Thou shalt not desire."

6. It is a positive precept for the robber to return the very thing that was stolen, if it be in its original state and had not been altered, as it is said: "He shall restore that which he took by robbery" (Lev. vi, 4). The same law applies to a thief. He does not do his duty by making restitution in money, even if the owner had given up hope; if lost or altered in such a way that it cannot be restored to its original state, or if it were sunk in a building and can only be recovered by tearing down the building which would be a great loss to him, he does his duty by refunding an amount of money equivalent to the value of the stolen article at the time of the robbery. If the victim of the robbery be in another town, he should notify him to come and he will pay him, but he need not send the money to him in his town. If the one who had been robbed had died, he should make restitution to his heirs.

7. One who robs the public, e. g., as a shopkeeper who measured with a short measure or weighed with short weight, or if a public functionary were lenient towards his relatives and exacting towards others, also one who took usury from the public, for any of these it is a difficult matter to repent effectively, therefore he should supply a public need in order that

those whom he robbed should also enjoy thereof. If, however, the identity of the robbed ones be known to him, he is obliged to make restitution to them, as his duty is not accomplished by supplying a public need.

8. It is forbidden to buy from a thief or a robber the article which has been robbed, and it is immaterial whether he be a Jew or a non-Jew, for the latter is bound by the commandment prohibiting theft and robbery. This applies also to one's neighbor who is a non-Jew, since this commandment is one of the seven precepts given to the sons of Noah. It is a serious transgression to buy from the thief or robber for this only encourages the wrong-doer and with reference thereto it is said: "Whoso is partner with a thief hateth his own soul" (Prov. xxix, 24), causing the thief to steal again, for he will desist if he find no purchaser. Although the thief could take the stolen article to a place where he would not be known, still this course is not a likely one. If the purchaser act in order to benefit those robbed by restoring their property to them on payment of his outlay, then the purchase may be permitted. This is only permitted if the people robbed could not possibly protect themselves. It is forbidden to accept as a bailment a thing which has apparently been stolen or robbed.

9. It is forbidden to derive even the slightest benefit from the property that was stolen or robbed as long as it remains in the hands of the thief or the robber. Even if the theft be insignificant so that the owner would not be concerned at his loss, e. g., to change currency for the money that was stolen or robbed, it is forbidden to do this. It is also forbidden to enter a house that was robbed, on account of the heat or rain, or to pass through a field, which was acquired by robbery.

10. Therefore it is forbidden to derive any benefit from a notorious thief or robber, who has no other occupation, and all of whose property is presumed to be either stolen or robbed. The poor are forbidden to accept a thief's money as charity.

11. If one offer to sell an article, and it is apparent that such article was stolen by him, it is forbidden to buy of him, e. g., fruit watchmen who sell fruit in a secluded spot or a seller who carries secretly the thing to be sold, or he says to the buyer, "Hide it," in all these cases one must not buy. It is even forbidden to buy of a woman an article which, it may be apprehended, she is selling without the knowledge of her husband. It is likewise forbidden to buy of a man any of a woman's ornaments or apparel which, it may be apprehended, he is selling without the knowledge of his wife.

12. If one's vessels were exchanged at a feast, or the like, for those of another person, he should not make use of the property which is not his, and when the owner of the property applies for it he must restore

it to him even if his own were lost. If an article that does not belong to him were returned to him from the laundry, he must not make use of it but restore it to its owner, although his own property were lost. If, however, the article remained in his possession for a long time, so that it would be impossible for the owner in the meantime not to have inquired after his own property, then he can make use of it, for he may assume that the laundry proprietor had settled with the owner and paid him for this article.

13. It is forbidden to derive benefit from anything belonging to one's neighbor without his knowledge. Even if he be definitely aware of the fact that when the neighbor learns thereof, the latter will rejoice and be glad because of the love he bears towards him, still even in this case the prohibition holds good. Therefore if one enter the orchard or garden of a neighbor, it is forbidden to gather fruit without the owner's knowledge. Even though the latter loved and esteemed him as himself, and even though he would undoubtedly rejoice and be glad when he learns that the former had enjoyed his fruit, nevertheless since at the moment he is not aware of the circumstance, the former would be deriving benefit in an unlawful manner. It is necessary to warn the people generally who err in this manner owing to the lack of knowledge.

14. Nevertheless it is lawful for a member of a person's household to give a piece of bread to the poor or to a son of a friend of the master of the house without his consent, for thus is the custom of householders, and to do this is not considered as an action which is done without the knowledge of the owner, since it is a custom to do so, and the owners are aware thereof. For this reason it is permitted to accept charity from women, if it be a small amount, even without their husband's knowledge, owing to the fact that it is customary for them (to give charity) and the husbands are aware of this custom. If one be accustomed to eat fruit in the garden of another with the owner's knowledge, it is likewise permitted to do so on any occasion. This rule applies to any similar case.

15. If one find fruit on the road which fell from a tree which projects above the road, if they be fruits that usually fall, and become spoiled by falling, or even if they be not spoiled and most of those who pass that place are heathens, or if the cattle usually eat (the fruit) while passing by, so that the owner has given up his rights thereto, then (anyone who finds them) may eat thereof. But if they be fruits which do not get spoiled by falling and if most of those who pass by are Israelites, it is forbidden to take them because of the law concerning robbery. If the fruit, etc., be the property of little orphans, it is forbidden to take thereof under any circumstances, for as regards orphans their waiving of rights is of no avail at all.

16. The law of the land must be considered as law.

CHAPTER CLXXXIII.

Laws Concerning Property Damages.

1. It is forbidden to cause damage to the property of one's neighbor even with the intention of making reparation, just as it is forbidden to steal and to rob even with intention of making restitution. One is even forbidden, either by action or speech, to cause his neighbor to sustain damage. Thus if Reuben sold goods to a heathen and Simeon informed the latter that they were not worth the price paid, even if this be a fact, still it is forbidden for Simeon to act thus. He who causes his neighbor to sustain damage although according to human laws he is exempt from liability, yet is he guilty according to Divine law until he conciliates him.

2. One who sustains damage may not rid himself thereof, if by doing so he should cause his neighbor to sustain the same, for it is forbidden to save oneself by causing even financial loss to his neighbor. But before the harm happened to him it is permitted to escape therefrom even though by this course harm will befall his fellowman; e. g., if a current of water is about to overflow his field, prior to the same entering his land, it is permitted to dam the water, although this should cause the water to overflow the field of his neighbor. As soon, however, as it had come into his field, it is forbidden to get rid of it in such a manner as to touch his neighbor's field, because now that the damage has befallen him, he is not allowed to rid himself thereof at his neighbor's hurt.

3. Again, if the king's army should come to a town and the townsmen are obliged to billet the soldiers, it is forbidden for one of the townsmen to bribe the captain to exempt him, for thereby he is causing damage to another Israelite townsman. So also in all cases of taxes it is forbidden to influence the officer so as to exempt him, if by so doing, he makes the burden heavier for others; one who acts in this manner is called a "backbiter", a "denouncer".

4. It is forbidden to surrender an Israelite or his property into the hand of a heathen, whether by deed or by word or to slander, or betray secrets; and whoever acts as an informer will have no portion in the world to come. It is even forbidden to lay information against an evildoer who transgresses the religious law, it matters not whether he will suffer in his person or in his wealth, and even if he were his enemy who constantly annoyed him by his words. But if one had been betrayed, and there is no possibility of escape unless he lay information against the betrayer, this course is permitted.

5. It is forbidden to enter the ploughed field of his neighbor because he spoils it thereby.

6. One must not stand in a neighbor's field to look at it when the crops are at their best to prevent harm because of the belief in the "evil eye". It is forbidden to gaze at one's neighbor in such a manner as to lead one to suppose that he wishes him harm. Even with regard to his business and occupation where there is no thought at all of the "evil eye", if he be working in his own house and on his own property, it is nevertheless forbidden to stare at him without his consent, for it may be that he does not wish other people to know his business. It is a sign of good manners when one sees his fellowman engaged at his work to bless him by saying, "Prosper in thy task".

7. One is forbidden to do anything, even on his own premises, whereby his neighbor will sustain damage, and for that reason one must not place in his court near his neighbor's wall anything possessing warmth and emitting heat, such as manure and the like, thus damaging the wall, except at a distance of three hand-breadths. The water that he pours out and also the drain pipe that carries off the water from the roof must be at a distance of three hand-breadths from his neighbor's wall. Under no circumstances may one pour out the contents of a chamber-pot in the vicinity of the wall of one's neighbor. One may let water on the wall of his neighbor at a distance of one hand-breadth, if such wall be made of stone or wood without plaster. If the stones are naked rock, one may let water on the wall without keeping away from there. If the wall be made of bricks or of wood covered with plaster, one must keep away a distance of three hand-breadths.

CHAPTER CLXXXIV.

The Laws Concerning Physical Injury.

1. One is forbidden to smite his fellow man, and if he did so he has transgressed a negative precept, as it is said: "If the wicked man be worthy to be beaten . . . forty stripes he may give him, and not exceed" (Deut. xxv, 2, 3). Since the Torah is particular with reference to the beating of the wicked, ordaining that he is not to be beaten for his fault beyond the limit laid down, how much more does this apply to the beating of the righteous. The one who raises his hand against his neighbor to smite him, even if he did not strike him, is called "wrong-doer," as it is said: "And he said to the wrong-doer, wherefore wilt thou smite thy fellow?" (Ex. ii, 13). "Wherefore hast thou smitten" is not the reading in the verse, but "Wherefore wilt thou smite," although he has not yet struck his fellow he is called "wrong-doer." Anyone who smites his fellow was excommunicated by the ban of the ancients, debarring him from participation in the public performance of any sacred duty until he was released by the Beh Din therefrom upon his consenting to accept their decision. If some one strike him or another Israelite, and it is impossible for him to save himself or his neighbor from the hands of the striker except by striking him back, then he is permitted to do so.

2. It is forbidden to strike even a servant who refuses to obey. It is, however, permissible for one to chastise his small children or an orphan whom he is bringing up in his house, in order to lead them in the upright way, as that is for their own benefit.

3. One must take care not to throw pieces of broken glass or the like in any place where they can cause harm to anybody.

4. If one's neighbor have a headache which would be aggravated by the noise of hammering, then it is forbidden even in one's own house to pound grains of corn or anything like it whereby the noise of hammering will reach his neighbor's house and annoy him.

5. There are many other things relating to damages to one's neighbor or to the general public, but the general rule is this, It is forbidden to do anything, even on one's own premises and especially on a public thoroughfare, that may cause any damage to one's neighbor or to the wayfarer on the public highway, unless it be a thing that has become a general custom and anyone is at liberty to do it, which is equal to anyone being excused (for so doing) by all the inhabitants of the city, so that each of them is privileged to do that certain thing whenever he or his son after him should find it necessary so to do.

6. One who frightens his neighbor, e. g., by screaming at him when behind him, or appearing before him in the dark, or the like, is guilty according to Divine law.

7. The one who injures his neighbor, even though he give money due to him as compensation for the injury done, so also a thief or robber, even though the thing stolen had been returned or paid for, nevertheless those wrong-doers cannot obtain forgiveness until they ask pardon of the injured party or of the one whose property was stolen, on account of the pain caused. The latter should be ready to forgive and must not be cruel in this respect.

8. When one sees his neighbor in distress and it is in his power to save him, or he can employ others to save him, it is his own duty to make strenuous efforts or to employ others in order to save him. If the latter can afford it, he must refund him his money, as he can demand it from him, but if he cannot afford to do so, he should not shirk his duty on that account, but he should save him at his own expense. If he refrain from doing so, he transgresses the precept: "Thou shalt not stand against the blood of thy neighbor" (Lev. xix, 16). When one overhears the wicked hatching a plot against one's neighbor or setting a trap for him, and he has not revealed it to him, or if he could satisfy them through money for the sake of saving his neighbor and thereby prevent their intention being realized, and he failed to do so, or by any similar means in a like case, he likewise transgresses the precept: "Thou shalt not stand against the blood of thy neighbor" (ibid.), for he who preserves one life in Israel is considered as though he had maintained the entire world.

9. One who counterfeits, and it is feared that thereby he will involve many in danger, is like a persecutor, and he must be warned not to continue his practices. If however, he heed not, it is permissible to denounce him to the government with the declaration that no one else is implicated in the crime. If an individual be falsely accused of being an accomplice, he may likewise assert his innocence by saying: "I did not participate in that crime but that one is the sole criminal."

10. It was the custom that the seven elders of the community judged in the adjudication of fines, e. g., with reference to injuries, insults and the like, but these must not act independently of the court, since there are many varieties of legal points, and it is not permitted to inflict a penalty more than the law requires, so that the honor of one's fellow-men should not be treated as a trivial matter.

11. When a woman is in parturition with great travail, the doctor is permitted (in a critical case) prior to the birth to sever the embryo either with instruments or with medicine, for if it had not come forth it is not accounted as a living soul, and it is permissible to save the mother by sacrificing the embryo, for it is a matter of self-preservation. But if it protrude its head then it must not be touched, for one living soul must not be sacrificed for another, and this is the way of nature.

CHAPTER CLXXXV.

Laws Concerning Borrowing and Hiring.

1. One who borrows or hires from his neighbor an animal or movables may neither lend nor hire out the same without the owner's consent. Even in the case of books where it is a religious duty to lend them, we do not say that we can take it for granted that the owner would approve of a religious duty being done at his expense, for it is likely that he would not wish his property to be in the possession of a certain person whom he considered to be untrustworthy. It is, however, permitted for the borrower of a book to allow in his own house another person to study therein, on the condition that he studies alone, but not two people together. If it be known that it is the custom of the owner to trust the second party in such matters, then the borrower may lend to this party and the one who hires may hire out in turn to the same party.

2. It is a religious duty to pay the wages of a hired workman at the proper time, and if one delay the same he transgresses a negative precept, as it is said: "At his day thou shalt give him his hire, neither shall the sun go down upon it" (Deut. xxiv, 15). It is also a religious duty to pay for the hire of an animal or of utensils at the proper time and if one delay the same he transgresses a negative precept, as it is said: "Thou shalt not oppress an hired servant that is poor and needy . . . at his day thou shalt give him his hire" (ibid. 14). What is the proper time? If he finished the work during the day, his time for payment is all the day, and if the day had passed without paying the wages the (master) has transgressed the law: "At his day thou shalt give him his hire, neither shall the sun go down on it" (ibid.). If he finished the work after the end of the day and night had commenced, his time for payment is all night, and if the night had passed without paying the wages, the (master) has transgressed the law: "The wages of him that is hired shall not abide with

thee all night until the morning" (Lev. xix, 13). So also with one hired by the week, month or year, if one had finished his work during the day, the payment of his wages is due during the whole day; if he had finished his work during the night, the payment of his wages is due during the whole night but not later.

3. If one gave a garment to a tailor to be repaired for a sum agreed by contract and the latter brings it to him during the day, he can pay any time during that day only, and if he brought it at night, he can pay any time during that night only; but as long as the garment is in the hands of the tailor although the work has been done, the owner does not transgress the law (by not paying), even if it be with the tailor for several days, and even if the latter had notified him that he should bring the money and fetch his property.

4. There is no transgression of the laws quoted (Lev. xix, 13 and Deut. xxiv, 14-15), unless the one who was hired asked for his wages and he had the money to pay same. If the wages were not demanded or if the one hired had asked for his wages but the master had no money, then there is no violation of the law. Nevertheless, it is a pious conduct to borrow so as to pay the wages at the right time, for the workman is poor and sets his heart upon his pay. In such cases where the masters are accustomed not to pay the workman until the complete account has been had, even if they asked for a small sum, which they had undoubtedly earned, nevertheless (if this be refused) there is no violation of the law since the custom is known and on this condition the workmen were engaged.

5. A hired workman who had some work for the master and had spoiled it, even by his negligence, in such a manner that he is legally bound to make it good, it is a religious duty for the master to waive his legal right and forgive him, as it is said: "That thou mayest walk in the way of good men" (Prov. ii, 21). If the workman be poor and without food, it is his duty to give him his hire, as it is said: "And keep the path of the righteous" (ibid). Which is the "path of the righteous?" To keep the way of the Lord, and to practice charity and justice even more strictly than the actual law demands.

6. Just as the master is exhorted neither to rob the wages of the hired servant nor to delay the payment, so is the poor likewise (one who is hired) warned not to neglect the work of the master, and he is bound to work with all his might, as our father Jacob, peace be unto him, said: "For with all my power have I served your father" (Gen. xxxi, 6). Therefore a workman is not permitted to work all night and to hire himself out by day (for he is unfit owing to the night work); neither is he allowed to work his animal by night and to hire it out by day. The workman is also forbidden to starve himself or to stint himself with regard to his food, for thereby he weakens his strength and he will not be able to do the work for his master in a proper manner. This law applies also to a teacher.

CHAPTER CLXXXVI.

Laws Relating to the Commandment: "Thou Shalt Not Muzzle."

1. Whosoever prevents a domestic animal from eating when working is punished, as it is said: "Thou shalt not muzzle the ox when he treadeth out the corn" (Deut. xxv, 4). This applies to an ox or to any animal or beast whether it be unclean, whether it be engaged in treading out the corn or in any other work appertaining to the growth of the field, and only by way of example does the Torah say: "The ox when he treadeth out the corn." Included in this prohibition is even one who muzzled the beast by his voice," that is to say, he shouted at it and it therefore did not eat, and he incurs punishment.

2. If an Israelite thresh corn even with the cow of a heathen (when muzzled) he transgresses the law: "Thou shalt not muzzle."

3. If the beast cannot eat through being thirsty, he must give it to drink.

4. If the beast were at work on a field, the product whereof would be injurious to its system, it is permissible to muzzle the beast, for the Torah insists on its obtaining only that which it can enjoy, whereas in this case it would have no enjoyment.

CHAPTER CLXXXVII.

Laws Concerning a Lost Thing and the Finding Thereof.

1. If one see a thing that an Israelite had lost, he is bound to attend thereto and to restore it to its owner, as it is said: "Thou shalt surely bring them again" (ibid. xxii, 1). When one can save his neighbor from loss of money it is his duty to do so, as this is also included in the law of restoring a lost thing.

2. Although legally (if it were found) in a place where the majority of the inhabitants are heathens, then even if the Israelite had put a special mark thereon, there is no obligation to restore it, since there is the presumption that its owner had despaired of its recovery, it is good and right, nevertheless, to do more than the law requires and to return it to the Israelite upon identification of the article which he had marked, and he can be forced to restore it in this case. If the finder of the lost article be poor and the owner be rich, the former need not do more than the law requires. Where one is required by the law of the land to restore a lost thing, he is obliged under all circumstances to restore it.

3. Any one who finds a lost thing, whether such thing bears marks of identification or not, if he found it in a manner presumed to have been left there temporarily by its owner, e. g., he found a garment or an axe by the side of a fence, and even if there be doubt whether the owner had left the article there intentionally or whether he had lost it, then he is forbidden in such a case to touch the same.

4. If a man, who is aged and respected, found a thing which had been lost and that thing was a common article, i. e., of such a nature that even were it his own he would not take it up and bring it to his house, because it would be undignified for him to do so, he is not bound to attend

thereto. He should, nevertheless, do more than the law requires, and concern himself therewith even if it be beneath his dignity.

5. If one finds a lost thing, and he does not know who lost it, whether the thing bears marks of identification or not is immaterial, and as there are many different laws concerning the same, he should consult the ecclesiastical authorities before acting in this matter.

CHAPTER CLXXXVIII.

Laws Concerning Bailments.

1. He who deposits money with his neighbor, in these times when we are all engaged in commercial affairs and money is in demand, we must take it for granted that the depositor tacitly consents to the use of that money by the receiver in the requirements of his business. The latter is therefore allowed thus to use it, and that (money) assumes the character of a loan. If, however, the money consigned be sealed up, or tied up with a peculiar knot, it is an indication of the depositor's objection to the use of that money by the receiver and the latter is not permitted to use it.

2. One to whom a neighbor had consigned any article is forbidden to make personal use of it, even to put it to such uses whereby the article is in nowise spoiled, he is nevertheless considered as one who borrows without the owner's knowledge, and he is classed as a robber. If it be well known that the depositor would not interpose any objection to his use thereof, it is permitted to use it. Some authorities forbid this on account of it being a deposit, and this even in the case of a thing which people do not trouble about. The prohibition is due to the fact that the receiver is also in this manner making use of a trust or deposit, and it is best to follow the stricter opinion and not to use the deposit.

3. It is the duty of the receiver to guard the article deposited with him in the best manner possible for such an article to be kept, even if the depositor did not usually take pains in guarding his own property, he must nevertheless be particularly vigilant in the keeping of property deposited with him.

4. The bailee is forbidden to deliver an article deposited with him into the hands of others, even if they be proper people and of greater integrity than himself, unless the depositor is accustomed to deposit such property with them.

5. On returning an article which was deposited with him he should not return it to any of the members of the depositor's household without the latter's knowledge. This law also applies when returning a thing that he had borrowed, or when repaying a debt. He may, however, return it to the depositor's wife, as it may be assumed, by virtue of her being the mistress of the house, he (the husband) consigns all he has into her charge.

CHAPTER CLXXXIX.

Laws Concerning Unloading and Loading.

1. If one meet his neighbor on the road with his beast lying beneath its load, it is immaterial whether it be a fit and proper load for the animal, or it be one too heavy to carry, he is required to assist him unloading the animal, as it is said: "Thou shalt surely help with him" (Ex. xxiii, 5). After he had raised the load he should not depart, leaving his neighbor in distress, but he must help him to replace the load upon it, as it is said: "Thou shalt surely help him to lift them up again" (Deut. xxii, 4). If he left his neighbor neither helping to unload nor to reload, he has neglected an affirmative precept and transgressed a negative precept, as it is said: "Thou shalt not see thy brother's ass or his ox fallen down by the way, and hide thyself from them" (ibid.)

2. If after he had unloaded and reloaded, it fell off again, he is obliged to assist him again in unloading and reloading, even a hundred times, as it is said: "Thou shalt surely help with him" (Ex. xxii, 5); "Thou shalt surely help him to lift them up again" (Deut. xxii, 4). And for that reason he must accompany him the distance of a parasang, as he may perhaps need him, unless the owner of the load tell him, "I do not need you."

3 The commandment of unloading is to be done gratuitously, but one is not obliged to load otherwise than for compensation; he should also be paid for accompanying him.

4. If the animal belong to a heathen, if the heathen drives it, and it is immaterial whether the load belongs to an Israelite or to a non-Jew, one is bound only to help him unload because of the suffering of the animal, and he may receive compensation therefor, but he is not bound at all to help him load, unless that it may cause hatred, or if the non-Jew be not present and an Israelite drives the animal, one is bound also to help him load it on account of the suffering of the Israelite. If the animal belongs to an Israelite and the load belongs to a non-Jew, one is likewise bound to help unload and reload on account of the suffering of the Israelite.

5. It is written: "When thou seest the ass of thy enemy lying under its burden" etc. An enemy refers to one of the seven nations (whom one is bound to help load and reload only because of the suffering of the animal), but not to an Israelite, for can there be such an enemy among Israel when the Torah says: "Thou shalt not hate thy brother in thy heart." Said the sages: For instance, when he alone saw him violate a law and warned him against it, but the latter did not repent, in such a case it is a religious duty to hate him until he repents and abandons his wickedness. And although he has not repented as yet, if he finds him suffering on an account of a load, he is bound to help him unload and load it, and not leave him without help. Lest he will be bound to tarry long because of that and his life may become endangered, and the Torah

in particular warned about the life of a human being, no matter whether wicked or righteous, since they cleave to God and believe in the principal ideas of the religion, as it is said: "Say unto them, as I live sayeth the Lord, if I delight in the death of the wicked, but if the wicked return from his way he shall live" (Ez. xxxiii,ii).

6. If a party travel together and an accident occurred to one of the party's asses through breaking its leg, the companions are not permitted to separate with their asses from him and to leave him alone on the road. But if the ass fell, and cannot continue the journey, they need not, for his sake, tarry any longer than a reasonable time and they can separate from him. In a company who are travelling together in vehicles, and if an accident happened to one of the latter so that it is necessary to delay a little to repair the damage, the companions are not permitted to separate unless the delay be prolonged beyond a reasonable time.

CHAPTER CXC.

Laws Relating to Physical Preservation and to the Precept "Not to Destroy."

1. It is a positive commandment for one to make a battlement for his roof, as it is said: "And thou shalt make a battlement for thy roof (Deut. xxii,8). The height of the battlement should not be less than ten hand-breadths, and it should be strongly constructed, in order that it may not give way when one leans upon it. The roofs of our houses are exempt from this precept because we do not use them as in the East. The precept applies not only to the roof, but also to any place where danger might arise through a person meeting with an accident there and entailing a possibility of fatal consequences. Anyone who neglects this precaution violates an affirmative precept and transgresses a negative precept, as it is said: "Thou shalt not bring blood upon thine house" (ibid.); e. g., if one have a well in his court, he is obliged to put around it an entrenchment ten hand-breadths high or to cover it to prevent anyone falling therein.

2. So also with regard to any stumbling block which might prove dangerous to life, it is a religious duty to remove it or to beware thereof and to be very careful about it, as it is said: "Take heed to thyself, and keep thy life diligently" (ibid. iv, 9). If one left these dangerous obstacles and did not remove them, he has violated an affirmative precept and transgressed the law: "Thou shalt not bring blood upon thine house" (ibid xxii, 8). e. g., when one allows a broken ladder to stand in his house or in his court, or if one bring up a vicious dog.

3. Just as a man must guard his body against all injury or harm, as it is said: "Take heed to thyself, and keep thy life diligently" (ibid. iv, 9), so has he been enjoined to guard his money against all loss. Therefore one who breaks any utensil, or who tears a garment, or destroys food or drink or befouls them, or one who throws away money or spoils any-

thing that is proper for man's enjoyment, transgresses a negative precept, as it is said: "Thou shalt not destroy the trees thereof" etc. (ibid. xx, 19).

CHAPTER CXCI.

Laws Concerning Cruelty to Animals and Castration.

1. It is forbidden, according to the Torah, to hurt any living creature. It is, on the contrary, one's duty to save any living creatures from pain, it is immaterial whether the creature be ownerless or if it belong to a non-Jew. Nevertheless if they be injurious to man or if they are required for medicinal purposes, or for any other human need, it is permitted to kill them, and we do not hesitate to cause them pain thereby since the Torah has permitted *shechitah* (ritual slaughter). Therefore it is permitted to pluck out feathers from living geese, if one has no other feathers; but no one is doing it, because of cruelty to animals.

2. When horses which are drawing a cart come to a rough place or to a high hill and they cannot draw the cart without help, it is a religious duty to help even the horses of a non-Jew, because of the precept forbidding cruelty to animals, lest the owner smite them to make them draw more than their strength permits.

3. It is forbidden to bind together the feet of a beast, animal or bird in any way that might cause them to suffer pain.

4. It is forbidden to make a bird sit on eggs which are not of her own species, for this is cruelty to the creatures.

5. It is forbidden to castrate either a man, beast, an animal or a bird, clean or unclean, in Palestine or elsewhere. Anyone who transgresses deserves punishment by stripes. It is also forbidden to give a male, whether man or any other living being, anything to cause sterility.

6. It is forbidden to tell a heathen to castrate one of our animals. Some authorities say that it is forbidden even to sell it to a heathen, or to give it to him on terms of half the profits if one be aware that he will castrate it, because the heathen is also forbidden to castrate. Therefore, in acting thus the Israelite would cause the heathen to transgress the law. If, however, the heathen who is the buyer would not himself castrate, but would give it to another heathen to castrate, this procedure is, according to all authorities, permitted, since the possible indirect cause of transgression is not operative in this case.

CHAPTER CXCII.

Laws Concerning One Who is Sick, the Doctor, and Remedies.

1. Said R. Isaac the son of R. Judah, "One should always entreat God to preserve him from sickness. If he fall sick, he is told to produce his meritorious deeds and obtain relief." Said Mar Ukba: What verse can it be inferred from? "Lest some one fall therefrom (from himself)", which means, since he has fallen, he must produce evi-

dence of himself and of his deeds that he is worthy." It is again stated in the Gemara: "If one have a headache, it should seem to him as if he were put in chains. If he became so ill that he had to be in bed, it should seem to him as if he were brought up to a scaffold to be punished. One who ascends the scaffold, if he have advocates to plead his cause may be saved, but if he have none he cannot escape." What do we mean by the advocates of a man? Repentance and good deeds. Even if nine hundred and ninety-nine (accusers) show up his faults, ad one (advocate) shows his merits, he is saved, as it is said: "If there be with him a messenger, an interpreter, one among a thousand, to show unto man his uprightness; then He is gracious unto him, and He saith, Deliver him from going down to the pit, . . ." (Job xxxiii, 23, 24).

2. Rabbi Phineas, the son of Chama, preached saying: "Whoever has any one sick in his house should go to a wise man and ask him to plead for mercy on his behalf, as it is said: "The wrath of a King is as a messenger of death, but a wise man will pacify it" (Prov. xvi, 14). It is customary to give alms to the poor on behalf of the sick person for, "Repentance, Prayer, and Charity avert the evil decree." It is also customary to bless the sick person in the synagogue, and if he be dangerously ill, he is blessed even on the Sabbath, and a Festival. At times the name of the sick person is changed, as this may avert the judgment decreed against him.

3. The Torah has granted the doctor the privilege of healing, as it is said: "And he shall cause him to be thoroughly healed" (Ex. xxi, 19). Therefore the sick person should not rely upon a miracle, but he is in duty bound to act according to the custom of the world and call in a doctor to heal him, and many of the world's pious men were already cured by physicians. He who avoids calling in the doctor is guilty of two evils: in the first instance of transgressing the rule forbidding one who is in danger to rely upon a miracle, the other evil is that he manifests presumption and pride in depending upon his righteousness to cause him to be healed in a miraculous manner. One should call on a competent doctor, and with all this his heart should hope for the help of Heaven and he should plead for the mercy of the Faithful Healer, blessed, be His name, and his heart should trust in God only.

4. It is a religious duty for the competent doctor to heal. This duty is included in the general rule of saving a life in danger, and if he avoid doing so he is guilty of bloodshed, even if the sick person have another doctor; for the sick person does not enjoy the merit of being cured by everybody, perchance he is the one appointed by Heaven to effect the cure. One should not, however, practice medicine unless he be competent to do so, and unless there is no other one more competent than he, otherwise he is guilty of bloodshed.

5. One who is not seriously ill, whose cure might be effected by means of an article permitted to be used, even if there be some delay in obtaining the same, should not be permitted to use a forbidden article. But if he especially requires an article whereof it is forbidden to eat (even if forbidden only by the Rabbis) in the way in which the article is usually eaten, he is forbidden to eat thereof, because he is not seriously ill. He is, however, permitted to partake of it in such a manner so that it does not give him pleasure, for instance by mingling a bitter substance therewith, or to make a plaster thereof, or the like, even if it be an article whereof the enjoyment is forbidden, with the exception of the mixed seeds (*kilayim*) in the vineyard, and meat cooked in milk, the use of which is forbidden even in such a manner so as not to give him pleasure, so long as the illness is not serious.

6. Some authorities hold that if the article is forbidden by the laws of the Rabbis, one may cure himself therewith, although not dangerously ill, even if taken in a manner so that pleasure is derived therefrom providing he neither eats nor drinks that which is forbidden.

7. One who is seriously ill may use for his cure any article that is forbidden, as the compliance of no law must be insisted upon in a case of saving a life in danger, with the exception of idolatry, immorality and murder, concerning which one must give up his life rather than transgress any of them; consequently one should not cure himself by transgressing any of these three sins.

8. A physician is permitted to let blood, and to feel the pulse or any other place of a woman, even if she be married, even the pudenda, as is customary with physicians, since he does not do so in a sensual and an immoral spirit, but he is merely following his profession In the case of his wife during menstruation, if she be not seriously ill and there be another physician as competent as he is, he should not be scrupulous about it.

9. A male is not permitted to attend to a woman who is suffering with a belly ache, lest he become passionate since he is healthy, but a woman may attend to a male who is so suffering, since he is sick.

10. If one possess medicines and his neighbor fall sick, he is forbidden to advance the price thereof unreasonably.

CHAPTER CXCIII.

Law Concerning Visiting the Sick.

1. When a person becomes sick, it is the duty of every man to visit him; for we find that the Holy one, blessed be He, visits the sick. As our Rabbis, of blessed memory, explained the verse: "And the Lord appeared unto him in the planes of Mamre" (Gen. xviii, 1), from this is inferred that He came to visit him because he was sick. Relatives and friends who are accustomed to visit his house often should visit him as soon as they hear of his sickness. But strangers should not call immediately, but should wait until three days have elapsed, in order not to spoil his chance of recovery by casting upon him the designation of an invalid. If, however, one became suddenly ill, even strangers should visit him immediately Even a great man should visit a less important person, even many times during the day. He who visits the sick frequently is praiseworthy, providing he should not become troublesome to the invalid. An enemy should not visit his enemy during his sickness, and should not comfort him in mourning, for he may think that he rejoices at his calamity. He may, however, attend to his funeral and should not apprehend that people would think that he rejoices at his downfall, since this is the end of every mortal.

2. When the invalid lies upon the ground, the visitor should not sit upon a chair which is more elevated, because the Divine Presence is above the head of the sick, as it is said: "The Lord will sustain him upon the bed of painful disease" (Pa. xii, 4). But when the invalid lies in bed, the visitor may sit on a chair or on a bench.

3. The essential feature in the religious duty of visiting the sick is to pay attention to the needs of the invalid, to see what is necessary to be done for his benefit, and to give him the pleasure of one's company, also to consider his condition and to pray for mercy on his behalf. If one visited a sick person and he did not pray for mercy for him, he did not do his religious duty. Therefore one should not visit a sick person during the first three hours of the day, since the sickness then assumes a milder form, the visitor will not be sufficiently impressed to pray for mercy for the sick person, nor should one visit him during the three closing hours of the day, as the sickness then takes a turn for the worse, and the visitor will despair of his recovery and will not pray for mercy on his behalf.

4. One who prays in the presence of the sick may say his prayers in any language he desires, because he is praying before the Divine Presence near the invalid. If, however, he pray in the absence of the sick person then the angels have to bring up his prayers, and as angels do not regard all other languages he should do so in Hebrew, and include him amongst all the sick of Israel, for by thus including him with the others his prayer will be more readily heard for the sake of the many The vis-

itor should say to the sick person: "May the Omnipresent have mercy upon you among all the sick of Israel," and on Sabbath he should add: "This is Sabbath, we are forbidden to complain, healing is sure to come; His mercy is great; His seat is in peace."

5. All who visit the sick person should speak to him with judgment and tact; they should speak in such a manner so as neither to revive him (with false hopes) nor to depress him (by words of despair), but they should tell him to concern himself with his affairs, indicating that if he had granted a loan to others, or had deposited anything with others or others with him (he should mention the fact). The sick person should not fear on this account that he will die.

6. The Omnipresent takes no delight in one who bequeaths his property to strangers, even to charity, and disinherits his natural heirs, although the latter do not act properly. But if he also provides sufficiently for the heirs, it is permissible. The pious will refuse to witness or to give counsel to a will in which the natural heirs are disinherited, even when the son does not act properly, and the brother to whom it is given is a sage, because perhaps his son will have good children. Some authorities hold that even to give the son less and the brother more is likewise forbidden; it is proper to regard the latter opinion.

7. If one have young children, or both young and grown up children, or if his wife be pregnant, he should appoint a guardian to act on behalf of the little children until they grow up.

8. A sick person who desires to make a transfer of his property by symbolical ceremony of acquiring possession in order to confirm his will, may do so even on the Sabbath; if he desire to send for his relatives, he may hire a heathen on the Sabbath and send him.

9. If a member of the family of the invalid had died he should not be informed thereof that it may worry him, and even if he became aware thereof he should not be told to rend his garment, lest it increase his distress One should neither weep nor mourn in the presence of the sick person, whether the dead be a member of the sick person's family or a stranger, lest he fear that he also will die. All who comfort mourners in the presence of the sick person should be compelled to remain silent.

10. One should visit neither a person who is suffering from abdomen troubles so as not to put him to shame, nor one who is troubled with his eyes, nor one who has a headache, nor any person who is very ill and to whom conversation is difficult; one should not visit any of the foregoing, but should call at the door of the house to make inquiries regarding his condition, and to ascertain if he be in need of anything; he should also pay heed to his distress and pray for mercy on his behalf.

11. One who can discharge two religious duties, namely, visiting the sick and comforting the mourners, and it is possible for him to fulfil both, he should first visit the sick in order that he may pray for mercy on

his behalf. But if he find it impossible to fulfil both duties, he should rather fulfil that of comforting the mourners, as this is an act of loving service towards the living and the dead.

12. The non-Jew should be visited during his illness in order to preserve peace.

13. It is taught in Sifri: R. Nathan said, "This person is guilty and should confess," this is to infer that all dead require confession. In the Mishnah it is stated that whoever confesses has a portion in the world to come; for thus do we find with Achan to whom Joshua had said, "My son" etc. And whence do we infer that his confession forgave his sin, for it is said: "And Joshua said: Why did you trouble us; may the Lord trouble you on this day;" on this day you are troubled but not in the world to come. Therefore if the visitors perceive that he, the invalid is dying, they should tactfully turn the conversation so that they are led to tell him to confess and they should add: "Do not fear that evil will ensue, for many who have confessed became well and did not die and there were many who did not confess and died On the contrary, as a reward for having confessed. thy life will be prolonged. Moreover all who confess have a share in the world to come." If he be unable to confess verbally, he should make a mental confession, and if he be able to speak but little, he should be told to say: "May my death atone for all my sins." The sick person should also be reminded to ask the pardon of all against whom he had sinned, whether in money or by words. These words should not be spoken in the presence of ignorant women and children, for it may cause them to cry and make the sick person broken-hearted.

14. A brief form of confession is as follows: "I acknowledge unto Thee, O Lord, my God and the God of my fathers, that my healing and my dying are in Thy hands. May it be Thy will to heal me with a perfect healing, and if I should die, may my death be an atonement for all the sins, iniquities and transgressions which I have sinned and perversely committed and transgressed before Thee, and grant my portion in Paradise and cause me to merit the life of the world to come, which is stored up for the righteous." If he desire to prolong the confession in a similar manner to the confession on the Day of Atonement, he is permitted to do so.

CHAPTER CXCIV.

A Dying Person, and the Guarding of the Body.

1. One who is dying is to be considered as a living being in all matters, and it is forbidden to touch him (for fear of accelerating the

end) for anyone who touches him is like one who sheds blood. With what is this comparable? With the lamp's flickering flame, which becomes extinguished as soon as a person touches it. If he be a long time in a dying condition, and it causes great distress to himself and his relatives, it is nevertheless forbidden to hasten his end, for instance, to remove from under his head the pillows, because people believe that a certain kind of feathers prevent death, or to place the keys from the synagogue under his head; all this is forbidden. Still if there be a cause that prevents the flight of the soul, such as the noise of knocking, it is permitted to remove that cause, inasmuch as that is not a direct deed which hastens the end, but the removal of an obstacle whereby no one touches the dying person.

2. Although it is forbidden to touch a dying person, nevertheless if the house caught fire, he should not be allowed to remain there, but should be carried out of the house, in which case he takes precedence over the preservation of sacred books.

3. Those present should be careful to see that no part of his body (usually covered) projects out of the bed as it is said concerning Jacob: "He gathered up his feet into the bed" (Gen. xl, 33). They should therefore place chairs at the side of the bed in order that he should be unable to stretch a hand or foot outside thereof. Nevertheless, if this were not done and he did project one of his limbs, it is forbidden to touch it for the purpose of placing the same back in the bed.

4. From the moment that one is in the grip of death, it is forbidden to leave him, in order that his soul may not leave him while he is all alone, because the soul is astounded when departing from the body. It is a religious duty to stand near the person at the time his soul is about to depart from him for it is said: "That he should still live always, that he should not see the pit. For he seeth that the wise men die." etc. (Ps. xlix, 10-8). It is proper to gather ten persons (male adults) who should be present at the departure of the soul; these should not engage in frivolous conversation, God forbid, but they should occupy themselves in matters of the Torah and reading the Psalms, also in prayers and supplications, as arranged in the book called M'aaber Jabok. It is customary to kindle candles in the presence of the dying.

5. After the soul had departed those present should place a feather near his nostrils. If it should not move it is a clear indication of his death, whereupon the windows of the house should be opened, and the mourners should say the prayer for the dead, and when the benediction: "Blessed be the judge of truth" is about to be said by them, they add the Divine Name and title of King, they should then rend their garments in the manner described in the following chapter.

6. All who are present during the departure of the soul are required to rend their garments. With what is death comparable? With the burning of a Scroll of the Torah, as there is none so worthless in Israel who neither possessed some degree of knowledge, nor had fulfilled some of its commandments. The garments must be rent also at the death of a child who had learned the Bible, likewise at the death of a woman. Even if the dead person had sometimes committed a transgression when misled by passion, still the garments must be rent for him, but if he were an habitual sinner, even if he only sinned through passion, he is yet reck-

oned among those who depart from the ways of the congregation, at whose death the garment should not be rent. The rending of the garments of those who are required to do so merely because they were present during the departure of the soul, but who are not mourners, may be discharged by rending the garment slightly, even at its side or hem.

7. The eyes of the dead person should be closed. If one had left sons it is the duty of one of the sons to do this as it is said: "And Joseph shall put his hand upon thy eyes" (Gen. xlvi, 4), and if there be a first born son he should do it.

8. In bearing the dead person from his bed in order to place him on the ground, care should be taken to keep him covered, as the laws of decency, which must not be infringed by the living apply also to the dead.

9. It is customary to pour out all water contained in vessels in the vicinity of the dead, which means, the three houses, including the one in which the dead lies; even if a child had died within thirty days of its birth, one must be careful to pour out the water. If one died on a Sabbath, the water must not be poured out.

10. One who watches the dead, even if there be no kinship between them, is exempt from the reading of the *sh'ma* and the *'amidah* and from the observance of all the precepts of the Torah, for he who is engaged in the performance of one precept is exempt from performing another. If, however, there be two watchers, one watches while the other reads the *sh'ma* and recites his prayers.

11. It is forbidden to partake of any food where the dead lies, unless a partition be made. Even just a bite to eat, or eating fruit or drinking water is prohibited. And it is necessary to warn the watchers regarding this. It is also forbidden to pronounce any benediction there.

12. It is forbidden to handle the body on the Sabbath, even for the sake of the priests or for the sake of performing a precept. It may be done by a non-Jew if the next of kin consent thereto.

CHAPTER CXCV.

Laws Concerning the Rending of Garments for the Dead.

1. One who had lost a relative for whom he is required to mourn is required to rend his garments. And he must rend them while standing, as it is said: "And David arose and rent his garments" (II Sam. xiii, 3). If they were rent whilst sitting his obligation is not fulfilled, and they must be rent again when standing. If possible one must rend his garments before the coffin is closed when one's sorrow is still intense.

2. For the dead for whom the one must mourn, he must rend his garment near his neck in the front thereof. It must be rent lengthwise and not crosswise, also in the cloth of the garment and not at its seam.

3. The mode of rending the garments for one's father or mother differs in many respects from the mode obtaining for other relatives. For the latter it is sufficient to rend the external garment only a hand-breadth, and it must not be rent more than that, in order not to transgress the precept: "Thou shalt not destroy" (Deut. xx, 19). But for a father or a mother one must rend all his garments opposite his heart, with the exception of his shirt, and one need not rend the upper garment that he wears only occasionally, i. e., the overcoat. If one did not rend all the garments that he is required to rend, he did not fulfill his religious obligation. A woman should first rend her undergarment privately in accordance with the dictates of modesty and place the torn on one side, she should then rend her external garment, so as not to expose herself, for even if she were covered by her underlinen it would still be a breach of modesty to expose herself even thus.

4. It is customary to rend the right side of the garment for all relatives and for one's father or mother the left side of the garment must be rent, for he has to expose his heart which is on the left. Nevertheless, if this were overlooked, it does not invalidate the fulfillment of the duty.

5. For all relatives one may either rend his garment with his hand or with an intsrument, but for one's father or mother it is with the hand only that one must rend it. It is customary for one of the brotherhood to cut the garment slightly with a knife, whereupon the mourner takes hold of the garment where it was cut and rends it. Those present must see to it that he makes the rent lengthwise and not crosswise.

6. In the seven days of mourning for all relatives, one who changes his garments need not rend those he is putting on. If, however, one who mourns for a father or mother, change his garments on a weekday during the seven days, he must rend them. But in honor of the Sabbath one should change his garments, and not wear torn garments. If he have no other garments to change, he should hide the rent part of the garment. Changing one's garments for the Sabbath in this connection means putting on other garments which he wears on week-days, and not such as are worn on the Sabbath.

7. According to law garments rent for all relatives may be repaired by connecting the torn parts after seven days, and after thirty days it is permitted to sew the torn parts together in a proper manner, but one should not connect the torn parts of garments rent for one's faher or mother until after thirty days and one should never sew them together properly. One is forbidden to cut out the part that was rent, and to mend the torn part with another piece of cloth. But it is customary that even for all relatives the torn parts are not connected within thiry days, not even to connect the torn parts with a needle. But a woman out of modesty is permitted immediately to connect the edges of the torn parts even for a father or a mother. All the rent garments which one is forbidden to sew together,

should not be mended even by one to whom they were sold. It is therefore necessary for the one who sells them, to inform the buyer thereof and therefore they should not be sold to a non-Jew.

8. For all relatives, if one did not hear of their death until after thirty days, he need not rend his garments, but for a father or mother one must rend the garments he is wearing at the time whenever he hears of their death. He need not, however, rend the garment which he may change thereafter.

9. The intervention of a Festival cancels the customs obligatory during the (first) thirty days even as regards the rending of the garments. One may sew the garment together completely on the eve of the Festival after the afternoon service, and after the death of a father or mother one may then connect the edges of the rend.

10. If one had rent his garment for a dead relative and another death had occurred within the first seven days of mourning, he should either rend his garment anew, beginning at a distance of three fingers from the first rent, and renting at the length of a hand-breadth, or he should rend the original rent another hand-breadth. If the second death occurred after the seven days, so long as he is wearing the rent garment, he may tear it a little more and his duty is fulfilled. If, however, one had rent his garment for any other relative and his father or mother died thereafter, he must leave a space of three fingers breadth from the first rent, and he must rend his garment anew in accordance with the rule, even if the death of his parent took place after the seven days of the first mourning, as the loss of a parent is not considered merely as an additional sorrow. The same law applies in the case of one who had first lost his father and then his mother, or vice versa.

11. One who had simultaneously heard of the death of his father and his mother or of the death of two other relatives, should rend his garments once for his double loss. But for his father or mother and another relative, he should first rend his garments for his father or mother then leave a space of three fingers breadth, and rend his garment the length of a hand breadth for the other relative.

12. If a sick person had lost a relative, and he is unable to rend his garment owing to a serious nature of his sickness, but his mind is clear (so as to realize his loss), he is afterwards (when he has recovered) exempt from rending his garment, unless his recovery took place within the seven days of mourning, when it is natural for his grief to be intense. If, however, he could not rend his garments because his mind was not clear, he should rend his garments as soon as he regains his mental composure, for it is only when he realizes the loss that his sorrow is intense. He is therefore required to rend his garments for relatives if it be within the first thirty days of mourning, but for his father or mother there is no time limit.

13. If a child, who has not yet arrived at the age for training, had lost a relative, his garment should be slightly rent for him to manifest his grief and to mark his mourning. But if he had arrived at the age for training, it is a duty that he should rend his garment in a manner prescribed for an adult.

14. On one of the Intermediate days of a Festival, whether the burial had occurred thereon, or whether one had learned of the death at that time, the custom is not to rend the garments except for a father or mother; for the latter one must rend his garments even if he were not informed thereof until thirty days after the day of death had elapsed. But if one's father or mother had died on a Festival, inasmuch as rending the

garment must be postponed, he should wait until the Festival is over when his mourning begins. For other relatives the garment should not be rent during the Intermediate days of a Festival, unless one be informed of the death during the thirty days, and if by waiting until after the Festival, the delay will cause that time to pass, he should rend his garment during the Intermediate days.

CHAPTER CXCVI.

Laws of an Onan, on Week Days, Sabbaths and Festivals.

1. One who had lost by death one of the relatives for whom he is bound to mourn is termed *onan* until after the interment; he must avoid levity lest he indicate by his conduct that the dead one was an unimportant person and therefore he is not troubled about the interment and his loss, and this is a great insult for the dead, and he is included among those "Who ridicule the poor." But he shall show to everybody that he is troubled about the interment and the loss. He should not eat in the room where the dead is lying, but in another room, and if he have not another room, he should erect a partition which should be ten hand-breadths high, not leaving an open space of three hand-breadths below, and of sufficient solidarity to resist the wind. If he has no material wherewith to make a partition, he should turn his face aside and eat. Even if he be in another city (at such time), he should not partake of an elaborate meal, but only of a simple meal. He should neither eat meat nor drink wine.

2. An *onan* is exempt from the observance of all the precepts, even if he himself be not required to attend to the dead, having others who attend thereto in his stead. Even if he desire to be scrupulous (and fulfill the precepts) he must not do so, because of the honor due to the dead. He should not say any benediction, nor even respond *amen* after the benedictions said by others, nor should he be included in a quorum to say Grace, nor to a quorum of ten male adults. But what is a negative precept, even if it be only acording to the Rabbis, is applicable to him; thus, if he desire to partake of bread, he must wash his hands, but he should not say the benediction: "Concerning the washing of the hands." On arising in the morning he should likewise wash each hand three times acording to the law, but he should not say the benediction.

3. If he had eaten prior to the burial of the dead, and after the interment the food was not yet digested, he should say the Grace after meals. If he attended to the call of nature before the burial, he must thereafter say the benediction: "He who formed" even the whole day.

4. If the *onan* be in another city and there are also relatives in the place where the dead lies who are required to mourn, the former is exempt from the obligations devolving upon an *onan*. But if there be no relatives at the place where the dead lies, he is subject to all the laws relating to an *onan*.

5. In a place where there is a holy brotherhood, after the relatives had come to terms with the holy brotherhood they are not to do anything whatsoever, but the members of the brotherhood do everything. The relatives are not then legally subject to the laws of an *onan* and are obliged to observe the duty of reading the *sh'ma* and saying the *'amidah* and all the other precepts. Still it is customary for an *onan* not to pray until after the interment because they too follow the funeral procession up to the cemetery. If one desires to be strict and pray as soon as he delivered the corpse to the brotherhood, he may do so.

6. As long as the dead is not buried, the mourner should not take off his boots, for he may leave his house for the needs of the dead. But to sit on a chair or on a bed, to cohabit, to bathe or to participate in joyous celebration, to greet friends, to take a hair cut, and to study the Torah, all these are prohibited. He is also forbidden to work, or even to allow others to work for him, even where a loss is entailed, but where the loss would be very great, he should consult the ecclesiastical authorities.

7. One who is an *onan* at the time when the *sh'ma* and the *'amidah* should be read, and when the interment was over a quarter of the day had passed, (which was the time for the reading of the *sh'ma*) he should, nevertheless, read it and its benedictions (without wearing *t'phillin*) until the third of the day. But if a third of the day had passed, he should read the *sh'ma* without the benedictions. Until the hour of noon it is still permissible to say the *'amidah*, and the additional service (*Musaph*) for New Moon can be said all day. Of the benedictions in the early morning service only the following three should be said: "Who did not create me a heathen;" "Who did not create me a slave;" and "Who did not create me a woman;" also the benediction of the Torah, as the entire day is the proper time for saying the same. If, however, the interment took place before a third of the day had passed, and if he should wait until he returns home, he would delay later than that time, his house being far from the cemetery, it is best for him to enter a house near the cemetery to read the *sh'ma* and to pray at the proper time or even to do so in the open air where the place is clean. As soon as they have begun to throw earth over the dead, he is permitted to read the *sh'ma* and to say the *'amidah* although his period of mourning had not commenced then.

8. If one became an *onan* after the time for morning, afternoon or evening service had begun and he did not pray before he became an *onan*, and he continued in that state of mourning until that time had passed, he need not make amends by saying the *'amidah* in the next service.

9. If the dead were not buried because of the Sabbath, the mourner is not subject to the laws of an *onan*. He is permitted to partake of meat and wine, he is also obliged to observe all the precepts, but cohabitation is prohibited, and he is also forbidden to study the Torah, because these are things done privately. If he be a Reader in the synagogue, and if there be another person to read the service, he should not officiate, but if there be no other person he may officiate. If the dead be his father or his mother, he may say *ḳaddish* if there are no other mourners. If there are other mourners he should not say *ḳaddish* before the burial. If the *onan* has already been a mourner for his father or his mother or if he has Jahrzeit, he should say *ḳaddish* the same as any other mourner or Jahrzeit.

10. On the Sabbath, shortly before evening, he should read the *sh'ma* without the benedictions. He should neither read the Evening Service nor perform the *habdallah* ceremony at the termination of the Sabbath, and he is permitted to eat without having performed the *habdallah*. After the interment he should perform the *habdallah* over a cup (of wine). Even if the burial should take place on the morrow, he can perform the habdallah over a cup of wine (without the candle and the spices), as he is permitted to perform the *habdallah* until Tuesday. If he say the morning prayer before the time for (the Habdallah) had passed, he should not say: "Thou graciously bestows."

11. If towards evening it becomes necessary for him to walk as near the Sabbath boundary line as possible, so that he may reach a different place in the evening to attend to matters concerning the dead one, or if he needs towards evening to get together the officers of the holy brotherhood to come to terms with them concerning the price of the grave, he becomes an *onan* as soon as he begins to attend to the arrangements for the burial of the dead.

12. If one died on Friday afternoon at such a time as to make it impossible to bury him before the Sabbath, the mourner is required to say the Afternoon Service on that day.

13. If one died on the first day of a Festival and the mourner desires to have the burial carried out on that day by a gentile, he becomes immediately subject to the laws of an *onan*. Especially is it true when he died on the second day of a Festival, when the mourner himself can bury the dead that he becomes subject to the laws of an *onan*.

14. If the dead lies before him on the night of the second day of a Festival, then in the place where it is customary to bury the dead by an Israelite, the mourner is subject to the laws of an *onan* even at night, and he is not allowed to say *kiddush*, nor eat meat, nor drink wine. But on the night of the first day of a Festival, or even on the night of the second day of a Festival, in a place where it is customary even on the second day to bury the dead by a non-Jew, the mourner is not subject to the laws of an *onan* at night.

15. One who had been an *onan* at the termination of a Festival should perform the *habdallah* on the following day but not thereafter, as the proper time for *habdallah* after a Festival is only until the end of that day (following the Festival).

16. An *onan* who has a son to be circumcised, if it be possible for him to bury the dead before the worshippers leave the synagogue in the morning, the holy brotherhood should pray first and then bury the dead, and thereafter the child should be circumcised. If that be impossible, the circumcision should, nevertheless, take place in the morning, but the godfather should say the benediction: "To enter him," inasmuch as where both duties, the interment of the dead and a circumcision have to be performed, the circumcision takes precedence.

17. On the eve of the fourteenth of Nisan, an *onan* should employ an agent to search for the unleavened bread, but he, however, should say: "All leaven" etc.

18. During the counting of the *'omer* (one who was an *onan* at night) should not count the *'omer* at night, but on the following day without a benediction, but the rest of the nights he can say a benediction on counting the *'omer*. If he sees that the state of *'onan* will continue all night, he should count even during the state of being an *onan* without a benediction, so that on the rest of the *omer* nights he may recite the benediction.

19. If one had died in prison and the officer would not allow him to be buried unless he was given a big sum of money, the relatives are neither subject to the laws of an *onan* nor to the laws of mourners, since they did not despair of burying him, and still hope to compromise with the officer. If the next of kin of the dead man be in prison and are unable to attend to the matters necessary for the dead, they are not subject to the law of an *onan*.

20. In places where the law of the land forbids the burying of the dead before the expiration of forty-eight hours, nevertheless the mourners are not exempt from the law appertaining to an *onan*, since at the expiration of such time the dead will surely be buried. In the meantime the mourners are compelled to get busy in honor of the dead, to bring shrouds and the coffin and engage the necessary people. But on the second day of a Festival we may be more lenient and exempt them from the laws governing an *onan*, since it is impossible to bury him because of the law of the government.

21. In the aforementioned places, because they apprehend that they would be unable to procure people to cleanse the dead after the expiration of two days after his death, and therefore they succeeded in cleansing him immediately after his death, and placed him in a coffin having an aperture underneath, then as soon as he was placed in the coffin, they are exempt from the law of an *onan*, and become subject to the laws of mourners. Nevertheless the seven first days of mourning should be counted from the time the lid is shut in the grave.

22. One in whose family a death had occurred, if he be unaware of the death and there is no one else to attend to the burial, it is necessary that he should be informed at once. But if there be other people who are attending to the funeral arrangements, he should not be told until he had said his prayers. If a wife had lost a relative, but she is not aware of her loss, then her husband must abstain from cohabitation.

CHAPTER CXCVII.

Laws Relating to Purification (Tahara) and the Shrouds; also the Prohibition to Enjoy Anything Belonging to the Dead.

1. We must be careful that the shrouds should be prepared from fine white linen, to indicate the belief in the resurrection of the dead; for R. Hiya, the son of Joseph said: "The righteous will rise with their clothes on," but they should not be too costly, for that is forbidden. Neither a hem nor a knot of any sort should be made in the shrouds, neither in the thread with which it is sewed, nor when dressing (the dead) therein. A dead male should be wrapped in a woolen *tallith* with fringes one of which, however, should be made unfit for religious use, but it would be more proper when the body is in the grave to put one fringe in the corner of the *tallith*. If the deceased had a beautiful *tallith* in which he had prayed during his life, it is not proper to wrap him, at his death, in an inferior *tallith* instead, as it is a satisfaction for one to be buried in the *tallith* in which he had prayed during his life. When dressing the dead, they should devoutly think that just as they are dressing his body so may his soul be adorned in spiritual garments in the Garden of Eden.

2. The purification is as follows: The entire body, including the head, should be washed with warm water. The fingers and toes should be thorouhly cleansed, also everywhere else, and the (hair of the) dead should be combed, the nails of the hands and feet should be cleaned, the body should not be placed face downwards, as that is a degrading posture, but it should be inclined, first on one side and then on the other. After the body has been thoroughly cleansed, it should be washed with nine *kabbim* (measures) of water. This should be done as follows: the corpse should be placed in a standing position on the ground or upon straw, and the water should be poured over the head and it should run down over the entire body.

3. Concerning the capacity of nine *kabbim* (measures) there is a diversity of opinion; and it is proper to take about twenty-four quarts, and it is not necessary for it to be poured out of one vessel, as two or even three vesels may be combined to make up that quantity. They should, however, begin to pour out of the second vessel before they had finished with the first vessel and the third should begin before the second had finished. Even when pouring all out of one vessel the flow of water should be uninterrupted; four vessels, however, cannot be combined to count as one, even if the water be poured out simultaneously.

4. Then they beat an egg with some wine, and the egg should be beaten in its shell, indicating thereby the wheel of fortune that makes revolutions in this world (and where wine is unobtainable water may be substituted), and wash the head of the dead therewith. And the custom prevailing in some places that each one takes a little from this mixture and sprinkles it upon the dead, is improper; such custom should be abolished, because it resembles the customs of other peoples; his head only should be washed therewith.

5. Care should be taken that the fingers of the dead man's hands are not shut. It is necessary to abolish the custom prevailing in some communities to shut his fingers. And the claim made by some that by this they indicate some Holy Names, is a fabrication. Also the custom to place in his hand twigs, generally called forks, is a foolish custom, and if they insist on placing it, it should be put alongside of him.

6. After being cleansed, the corpse should not be allowed to remain in the place where the rites of purification took place. He should be placed towards the door, inside the house. The board upon which he was placed during the purification, should not be turned over, as it is dangerous so to do.

7. One must not kiss one's children who died as it is very dangerous to do so, and one is warned not to grasp the hand of the dead saying that the dead should take him along.

8. When the dead is being carried from the house nobody should go out before the body. The bearers, however, who are obliged to leave the house first in order to carry the body, need not be particular in this matter.

9. One who fell and died instantly, if his body were bruised and blood flowed from the wound, and there is apprehension that the blood of the soul was absorbed in his clothes, he should not be cleansed, but they should inter him in his garments and boots, but above his garments they should wrap a sheet which is called *Sobeb*. It is customary to dig the earth at the spot where he fell, if blood be there or near by, and all that earth upon which there is blood should be buried with him. He should be buried in those garments only which he wore when he fell, but if there were blood-stains on other garments which he was not wearing, likewise if he were placed upon pillows and sheets whilst the blood was flowing these need not be buried, but they should be thoroughly washed until no trace of blood remains, and the water should be poured into his grave. If,

however, the one who fell and died did not bleed, they should remove his garments and cleanse him, and dress him in shrouds, as in the case of other dead people. He who was drowned should (if his corpse were recovered) also be treated like other dead people. In some communities it is customary to bury drowned persons in their clothes in which they were found; where it is so customary it should be done so.

10. Even if blood flowed from his body but it had ceased, and they had undressed him, after which he revived and lived for a few days and then died, whereupon he should be cleansed and shrouds be prepared for him, although he be stained by his blood still he should be cleansed, for the blood which he had lost in his life-time does not matter, as we are only concerned with the blood which one loses at death, perhaps this is the blood of the soul, or perhaps the blood of the soul became mixed therewith.

11. If a woman died while giving birth, the laws applying to a slain person apply also to her and if it is known that she had lost much blood, she must not be cleansed. But if the blood had already ceased flowing and then she died, she should be treated like any other dead. In many communities it is customary to cleanse every woman that dies when giving birth. And there are many other customs prevailing; the customs should be observed without interference.

12. One who was assassinated by a heathen, although he did not bleed, should be buried in his clothes which he then wore as a protest.

13. It is forbidden to enjoy anything belonging to the dead, whether he be a Jew or non-Jew, neither his shrouds nor such things which are attached to his body, e. g., his wig or artificial teeth, these should be buried with him. But such articles which are not attached to his body one is permitted to use, i. e., such things which are not reckoned as part of the body, such as ornaments and garments.

CHAPTER CXCVIII.

Laws Concerning the Removal of the Dead, the Funeral and the Burial Service.

1. If there be a death in the city, all the inhabitants are forbidden to work. If, however, the city have appointed attendants for the funeral, then all those whose services are not required are permitted to work.

2. If there be a death in a small village there should be no greetings exchanged between the inhabitants; this is especially to be avoided on a cemetery if the dead be there, even if it be in a large city. But when there is no dead person (awaiting burial) on the cemetery, one may greet other people at a distance of four paces from the graves.

3. It is not permitted to let the body of the dead remain over night, for it is written: "His body shall not remain all night . . . but thou shalt in any wise bury him that day" (Deut. xxi, 23). If however, one let the body remain over night for the sake of honoring the dead, e. g., to procure a coffin, shrouds, or to await the arrival of relatives or others who will deliver the funeral orations, in these circumstances it is permitted, as the Torah forbade only that delay in burial which leads to contempt of the dead, similar to the case of one that was hanged, but not when it is for the purpose of honoring him. If a dead man were found whose identity is not established, it is permitted to let him remain unburied all night until witnesses can make their appearance to identify the corpse, or until his wife can come to identify him.

4. In the case of all relatives one who hastens to have them brought to their rest is praiseworthy, but when one's parents are dead over whom one is compelled to weep and mourn vehemently, he who hastens to have them buried is despicable, unless it were on the Eve of Sabbath or a Festival, or if the rain descended upon the bier.

5. If two individuals died, he who died first should be taken out first (for burial) and thereafter the second one. After the interment of the first deceased, those present at the burial should not stand by the grave in a line nor say the benediction of mourning and of consolation so as not to delay the burial of the second deceased. If they desire to let the first deceased remain (unburied) over night in order to honor him, they should not delay the burial of the second deceased on that account, but they should bury him at once.

6. If one of them were a learned man and the other an ignorant person, the former should be taken out first, even if the latter had died first. If one of them be a man and the other a womon the woman should be taken out first, even if the man died first, for it is written: "And Miriam died there and was buried there;" immediately after death came the burial.

7. If one weep on account of the death of a virtuous man, the Holy One, blessed be He, counts those tears and stores them up in His treasury. The merit of such conduct is great, for the children of this person will not die young.

8. He who beholds a funeral and does not accompany it is guilty of sneering at the poor, and deserves to be excommunicated; he should accompany the dead at least the distance of four cubits. Although he be exempt from accompanying the dead, he is nevertheless obliged to stand when he sees those who carry the dead pass by, for this is the law whenever a man sees others passing by who are engaged in the performance of a precept, he must stand up before them; thus all workmen used to stand before those who carried the first ripe fruit.

9. In our days it is assumed that every Israelite has studied the Bible and the Mishnah, therefore if one die, even the study of the Torah should be discontinued, in order to follow his funeral. For the sake, however, of a woman or a child this custom is not so strictly enforced; therefore one need not interrupt his study of the Torah in order to follow them. Children who attend school should at no time be forced to interrupt their studies; even for the purpose of building the Temple they should not be interrupted.

10. On the way to the cemetery and also on returning therefrom care should be taken that the men should keep apart from the women.

11. The pallbearers should not put on Sandals (which can easily slip off from their feet), but they may put on shoes.

12. When those who accompany the dead have arrived within thirty paces from the grave, they should halt with the dead every four cubits, so that they will halt seven times, indicating the seven stops (stages); which are the seven times "Vanity" mentioned in Ecclesiastes; the seven Portals of Hell; and the seven decrees that are passed on the dead. On a day when the Prayers of Supplications (*tachanun*) are not said they need not halt, for the judgment is not severe. They should, however, halt there a short time, for this is somewhat of an atonement for the dead.

13. On reaching the cemetery, one who had not seen any graves for thirty days is required to say the benediction: "Who created you in judgment" etc., and then say: "Thou art mighty" up to: "To call the dead to life."

14. Then they say the burial service, i. e., "The Rock is perfect in His work" etc. This prayer should be commenced by one of the mourners, but if no mourner be present, the most important among those present recite same. On the days when the Prayers of Supplications are not said the burial service should not be said; therefore it should not be said on Friday afternoon, nor on the eve of a Festival, but on the eve of a New Moon, and on the eve of Chanukah, and on the eve of Purim, it should be said even in the afternoon. If the deceased were a learned man it should be said even on the thirty-third day of the *Omer*. On the days after the New Moon of Sivan until Pentecost, on the Ninth of Ab, and on the Eve of New Year, it should be said before noon.

15. At night neither burial service nor *ḳaddish* should be said at the cemetery.

16. Burial Service should not be said for a deceased infant less than thirty days old.

CHAPTER CXCIX.

Laws Concerning the Interment and the Cemetery.

1. The burial mentioned in the Torah is the interment of the body of the dead in the earth itself. In many places, however, it is customary to place the dead in a coffin made of boards and to inter him thus, and as it is unlikely that there should not be a hole in the coffin, this suffices. In some places the dead are buried without a coffin, the corpse being placed in the ground without any board underneath, only one board on each side, and above these another board is placed to prevent the earth falling down upon the dead body which would be a degradation. In other places the dead are generally buried in this way without being placed in a coffin, but the priests and the first-born, who are esteemed, are placed in coffins. One should be careful not to use the remnants of the wood whereof the coffin was made, they may be used only as fuel to heat the water to be used for the purification of the corpse. The generous people who had fed the poor at their table should be buried in a coffin made of the boards of that table, as it is said "And thy charity shall go before thee" (Is. lviii, 8).

2. The corpse is laid upon its back, with face upward. He who has earth from Palestine, should have some of it spread under him, and some of it upon him, as it is said: "And his land will atone for his people (Deut. xxxii, 43). It is right to place some of it where the holy covenant is marked, also on his mouth, eyes and hands.

3. The dead should not be buried close to each other, but they must be separated by a partition which can stand by itself (without any support), i. e., of at least six fingers' width, and if possible care must be taken of having a space of six hand-breadths between tthem. A man or a woman, however, may be buried together with their son or daughter, or with their grandson or granddaughter. As a rule, a child who slept with the deceased in life, may be buried with the deceased at death, but an adult son should not be buried with his father, nor an adult daughter with her mother. Even the burial of children with their parents is only permitted when they are both buried at the same time, but if one had already been buried, it is forbidden to enter the other in the same grave.

4. As has already been explained in Chapter CLXIII, 6. that if a male uncircumcised infant died, he should be circumcised at his grave, and a name given to him; a female infant should also be given a name, and it is necessary to warn the undertakers concerning this law.

5. One coffin should not be placed upon another unless six hand-breadths of earth intervene between them.

6. A wicked man should not be buried next to a righteous man, for it is said: "Gather not my soul with sinners" (Ps. xxxvi, 9). One should not even inter an extremely wicked man next to one who was less wicked; nor should a righteous man, and more especially a man of average piety, be buried next to a man who was esteemed for his piety. Two who were enemies, should not be buried next to one another, for also when dead they will have no peace together.

7. It is customary for one to be careful not to take a hoe or pick-axe from the hand of one's neighbor at a burial, but one should lay it down and the other should take it up.

8. After the deceased has been placed in the grave, the bier should be turned over three times because the numerical value of the word *mittah* (*bed, bier*) is the same as that of *din* (judgment); to hint that the judgment should be turned into mercy, and the mourning should be turned into dancing; a hint of this is found: "Thou hast turned for me my mourning into dancing" (Ps. xxx, 122); but this need not be done on a day when *tachanun* is not said.

9. If there is an orphan on the cemetery, then after the burial (if it is still day) they should step away at least four cubits from the graves and they should say the psalm: "Hear this" etc. (Ps. xlix); and on the days when no supplications are said they should say: "Michtam of David" (Ps. xvi.). The orphan then says the *kaddish*: "That he will renew," and those asembled say with him up to "V'yikoreh." In some places also the *kaddish* is said before the burial, after the burial service, and in some places even the burial service is said after the burial.

10. When about to return from the cemetery it is customary to pluck up some grass and throw it behind their back saying, "He remembereth that we are dust" (ibid. ciii, 14). This custom is symbolical of the resurrection of the dead, as it is said: "And they of the city shall flourish like grass of the earth." (ibid. lxxii, 6). This is also permitted during the Intermediate days of a Festival. They should then wash their hands, and there is a hint for that, that this uncleanliness can be purified only by means of water, the ashes of the cow, and the hyssop. For this ablution a river cannot be used, but the use of a vessel is required. One should not take the vessel from one who had washed his hands, but the latter should put it down and then the former should take it, and the hands should not be dried. Some sit down seven times, because the spirits accompany him, and when they sit they run away from them. Some sit down three times after the washing of the hands, saying each time "And let the pleasantness of the Lord" etc. If the burial took place on a Festival they should likewise sit down in the same manner as on a week day. It is usual to insist on the observance of the customs of washing the hands and sitting down in the case of a person (who had been with the dead) prior to entering the house. And the customs of our fathers is law.

11. The dead should not be removed (for burial) from a city where there is a cemetery to another city, unless it be from any country to Palestine, or if he had to be removed to the burial ground of his fathers. If he had commanded that his remains should be conveyed from one place to another, it is likewise permitted.

12. It is forbidden to open a grave after it had been closed, that is after the earth had been heaped upon the lid of the coffin, but as long as the earth had not been piled thereon, it is permitted to open the coffin, if there were occasion for it. If, because of a very urgent reason it be required that the body of the dead be removed from a grave, an eminent Rabbi should be consulted.

13. A grave that was dug should not be left open over night, as it is dangerous practice, and if the dead could not be buried until the following day, the grave should be filled up with earth.

14. It is forbidden to tread upon the graves; because some authorities hold that no benefit may be derived therefrom. Nevertheless if one have occasion to visit a certain grave, and he had no other way of reaching it except by treading upon the graves, he is permitted to do so.

15. One should neither visit a cemetery nor go within four cubits of the dead, nor in a room where the dead is lying, when wearing *tephilin* upon his head or having the fringes upon his garments, for it would seem as if he sneer at the poor. If, however, they were covered, he may wear them. One should not pray there, but he may say the Psalms in honor of the dead.

16. One should not practice levity on the cemetery because, of the honor due to the dead, i. e., one should neither eat nor drink in the cemetery, nor respond there to nature's call, nor allow cattle to graze, nor should one gather the vegetation that grows there. It is permitted, however, to pick the fruits from trees, which, although planted in the cemetery, do not grow over the graves.

17. It is the custom in some places not to erect a tombstone until twelve months after death, because a tombstone bears marks of distinction and within the twelve months he has anxiety. Another reason is that a tombstone is put up that the dead should not be forgotten, and the dead is not forgotten within twelve months. But there are other places where the people are not particular in this matter.

CHAPTER CC.

Laws Concerning Burial on a Festival.

1. On the first day of a Festival an Israelite should not be engaged in the burial of the dead, even if it is impossible to have the burial by a non-Jew and therefore there is apprehension that the body may begin to rot, nevertheless a Jew should not bury him on the first day. But if it be possible for a non-Jew to dig the grave and cut the boards, or make a coffin, and also sew the shrouds if necessary, then an Israelite is permitted to dress the body, also to warm water and cleanse the body, also to carry it out and place it in the grave, but filling in the grave with earth should be done by a non-Jew. If possible care should be taken to cleanse the dead without the use of a garment, in order that they should not violate the law by wringing the water out of the garment.

2. Some authorities hold that if it be possible to have the burial by a non-Jew as hereinbefore stated, it is forbidden to keep him till the second day for the purpose of having Jews attend to him. Even if he can be kept till the following day without beginning to rot, they should nevertheless bury him on the same day by a non-Jew. In case of an infant, although he had lived more than thirty days, and it is known that it was not a child of premature birth, nevertheless if the air is cool and it will not be a disgrace to keep it because it will not begin to rot, he should not be buried on the first day of a Festival, but he should be kept till the second day. Others hold that even in the case of an adult when he does not begin to rot, he should be kept till the second day. Where there is no fixed custom, it is proper to follow the latter opinion.

3. On the second day of a Festival even of Rosh Hashanah, if it be possible to have all the aforementioned duties performed by a non-Jew without causing delay, a non-Jew should carry out the same, while the preparations aforementioned can be performed by Israelites. It is also permitted to use garments and sheets in performing the purification, care should, however, be taken not to wring out the water with the hands. If it be impossible to have the aforementioned duties done by a non-Jew, an Israelite is permitted to make all the preparations for the burial, as though it were a week-day, inasmuch as the Rabbis have compared the second day of a Festival with a wek-day in the matter of preparing the dead for burial. If, however, it be possible to obtain ready made shrouds, it is preferable to use them, in order to avoid the necessity of sewing the same. It is permissible to attend to all matters relating to the dead only if the burial take place that day, but if not, it is forbidden to make the slightest preparation for the burial. It is even forbidden to handle the body.

4. The reason the Rabbis have considered the second day of a Festival like a week-day is only because of the honor of the dead that he be not in disgrace, but it is forbidden to do anything else, and there-

fore it is forbidden to fix the price of the shrouds unless it be impossible to obtain them otherwise. Grave-diggers are forbidden to take any remuneration for their work on a Festival, but if they refuse to work without pay, they should be paid, but they will have to render an account of their conduct in the future. The holy brotherhood should not take any money for the grave, but they can accept pledges without stipulating any amount.

5. If there is no Jewish cemetery in the town, although there is a place where a dead person may be buried, it is nevertheless permitted to convey him on the first day of a Festival, through a non-Jew and on the second day of the Festival, through a Jew, to a place where he can be buried in a Jewish cemetery. But if it were not intended to bury him that day, an Israelite is forbidden to convey the body on a Festival in order to have it buried after the Festival.

6. On the first day of a Festival all who attend the funeral are forbidden to go beyond the Sabbath-limit, but on the second day of a Festival they are permitted to go even beyond the Sabbath-limit, and they may also return to their homes on the same day. But it is forbidden to ride on an animal in order to accompany the dead on a Festival, even on the second day of a Festival. This rule also applies to the mourners. The grave-diggers, however, are permitted to ride on the second day of a Festival, if it be impossible for them to walk; nevertheless they should not ride in the city.

7. If one died on the second day of a Festival, when Jews may bury him where there are no non-Jews, ten men should rise at an early hour and bury him whilst the Reader is reciting the Festival hymns. If the deceased were a distinguished man so that a multitude would follow his funeral, he should be buried after the service is concluded but before the meal is eaten. For the Midrash says: "Thou shalt not eat with the blood," which signifies that it is forbidden to eat a regular meal before the dead is buried. If it be impossible to make all the necessary preparations for the burial by that time, he should be buried after the meal had been taken.

8. With regard to a dead child of thirty days old, when it is known that it was not an abortive child, the same laws apply as to any other dead person. If it be a male child whose circumcision had for some reason been postponed, he should not be buried on the first day of a Festival, even in spite of the decay, for it is necessary to remove his foreskin, which must not be done by a non-Jew. The body should therefore be kept until the second day of a Festival, when his foreskin should be removed, and he should be buried.

9. If a child died and it is doubtful whether or not it was abortive, it should not be buried on the first day of a Festival even by a non-Jew, if the body was not decaying, but should be kept until the second day of the Festival when it should be buried by a non-Jew but not by

an Israelite. If the body was decaying, it should be buried by a non-Jew on the first day of the Festival. If the child died on the second day of the Festival, it should be buried that very day by a non-Jew but not by an Israelite, but if it were a male child not yet circumcised, in spite of decay setting in he should not be buried even on the second day of the Festival by a non-Jew, but he should be kept until after the Festival when his foreskin should be removed and he should then be buried.

10. On Sabbaths and the Day of Atonement no one should be occupied in attending to the dead even through the agency of a non-Jew.

11. On Intermediate days of Festivals the dead should not be conveyed to the cemetery before the grave was prepared, so that it should not be necessary to let the bier remain standing.

CHAPTER CCI.

Laws Concerning a Suicide and a Wicked Person's Death.

1. There is none more wicked than one who has committed suicide, as it is said: "And surely your blood of your lives will I require" (Gen. ix, 5). For the sake of one individual was the world created, thus he who destroys one soul is, considered as though he had destroyed the whole world. Therefore one should not attend to him, neither should one rend the garment nor mourn for him who had destroyed himself, nor should a funeral oration be pronounced on his behalf. He should, however, be cleansed, dressed in shrouds and buried, for the rule is, whatever is done in honor of the living should be done for him.

2. Without proof to the contrary, a man is not pronounced to be wicked. If therefore a man was discovered hanged or choked, as far as possible the act of killing should be regarded as the deed of another person and not as his own deed.

3. If a minor committed suicide, it is considered that he had done the deed unwittingly. If an adult had killed himself and it is evident that the act was prompted by madness or through fear of terrible torture, as was the case with Saul who feared the Philistines would act with him as they pleased, he should likewise be treated as an ordinary deceased person.

4. All those who deviate from the path of the majority, e. g., they who cast off the yoke of the precepts from their necks, and are not included among Israelites as regards performing the precepts, but are free

actors; also apostates, denouncers and heretics, for all these the laws of *onan* and the laws of mourning should not be observed. Their brothers and other relatives should dress and wrap themselves in white, eat, drink and rejoice that the enemies of the Omnipresent perish. Concerning them the Scripture says: "Do not I hate them, O Lord, that hate Thee?" (Ps. cxxxix, 21). And it is said again: "When the wicked perish there is joy" (Prov. xi, 10).

5. One who had been executed, whether by the sentence of the Government or otherwise even if he had been an apostate, should be mourned for, inasmuch as he had been killed by the hand of man, it is an atonement for his sins.

6. One who was an inveterate sinner, even if his transgression were the result of his passions, still if he died without confession, he should not be mourned for, but if he had confessed he should be mourned for, even if he had been a thief or a robber.

7. One should not mourn for a child of one or two years who had converted with his father or mother, and had died.

CHAPTER CCII.

Laws Concerning the Defilement of a Priest.

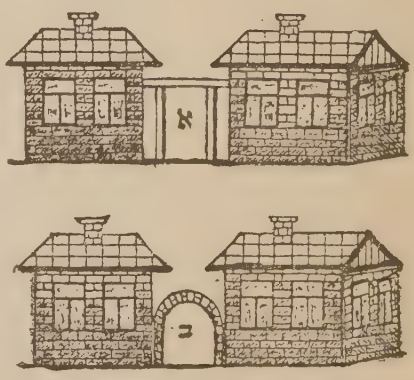
1. The priest is warned against defiling himself by (coming into) contact with the dead. This includes an abortive whose limbs are undeveloped. (If, however, the abortion occurred within forty days from conception, it is considered as only a fluid). The contact that defiles need not necessarily be with the dead body in its entirety, for there is pollution even in the touch of that which is separated therefrom, such as its blood and the like. He is likewise forbidden to defile by contact with the severed limb of a living person if there be much flesh thereon, so that it would be proper to have it healed if it were still connected with the body; even if that be his own limb, he is forbidden to defile himself therewith. He is forbidden to enter the house of a dying person, although one in that state does not defile him, nevertheless he violates the precept: "Neither shall he profane" (Lev. xxi, 12), for he is warned to preserve his priesthood so as not to profane it, and here he exposes it to profanation as death may occur at any moment.

2. A priest is forbidden to enter a house if a dead body be therein, even if the house be large, and even if there be two rooms in one of which the body is lying, and there is a wall that separates them, but there is an aperture in that wall the size of a square hand-breadth, he is forbidden to enter the adjoining room, for an aperture of this size transmits impurity. Even if there be a third room adjoining, but the wall separating it contains also an aperture as large as a square hand-breadth, he is for-

bidden to enter the third room also, and thus ad infinitum. If the aperture were made to admit light even if it be only as large as a coin, it still transmits the impurity.

3. Therefore in our lands where the roofs project towards the outside with a space of one hand-breadth, and it is established that the width of one hand-breadth transmits impurity, this projecting roof is considered a tent inasfar as impurity is concerned. Hence, houses which are close together, if there be a dead body in one of them, the impurity is conducted through the open window or door of that house, which is transmitted by means of the projecting roofs to the open windows or doors of the second house, and the priest is forbidden to enter the second house. This is true even if there be many houses closely connected.

4. Even if the roofs of the houses are not of the same height, but one is higher than the other, or even if the roof of the house in which the impurity is found is much higher than the other roof, or vice versa, it is a Sinaitic law that the height is considered as lowered, i. e., we consider as if the height was pressed down and lowered until it reaches the lower one, and if when lowered to the lowest one it would touch it, the impurity is conducted from one to the other. If there be a barrier between them, be it ever so slight, the impurity is not transmitted.



5. If a beam lie across an alley, on the style made for an *'erub* which is one hand-breadth wide, and is covered by the roofs which project above it a hand-breadth from each side, the impurity is transmitted from underneath the roof of the house on the opposite side, and it then spreads in every direction where there is a tent to the size of one hand-breadth until it is stopped by some barrier. If there is a vault between two houses, on the style made for a court entrance, like the above, the same law applies, although there is no roof projecting on the top of the vault, nevertheless the impurity is transmitted from beneath the roof of the house to beneath the roof of the vault. However, at times it is customary to erect a vault on extra posts, and consequently there is a closure by the walls of the houses, if there is no roof projecting

over it, and the closure on this side, like this illustration extends further than the roof above it, in this case there is no place through which the impurity may be conducted, since there is a slight barrier without a tent. At times there is between one house and the other a solid wall, without an opening, but there is a roof projecting over it, and the impurity is transmitted from one roof to the other. In such a case there is a remedy, in case of necessity to remove the tiles in one place, so that there be a slight barrier without a tent of the size of a hand-breadth. But careful examination should be made to ascertain if there be nothing projecting from the wall itself to the size of a hand-breadth, as they make at times a cornice to the wall.

6. It is a Sinaitic tradition from Moses that the door through which the dead is to be carried from the house (inasmuch as the removal of the corpse makes that house clean again) should be considered (with regard to ritual impurity) as open even when closed, and a priest is forbidden to stand there under the lintel even if the door be locked from within. If there were a roof above which projected a hand-breadth over the door, it communicates the impurity to every place possible as though the door were open. If, however, there were another open door or window of four square hand-breadths on another side, the closed door is not considered as open, and a priest is permitted to stand there provided the impurity cannot reach him through the open door or window.

7. A priest who is in a house where the door and windows are closed in such a manner that there is neither an opening in the door of even a hand-breadth's space, nor even an aperture as small as a coin in the window, if he hear that there is a corpse lying in another room which is situated so that the opening of a door or window will cause the impurity to reach him, he is forbidden to open either, but he should remain where he is until the corpse has been removed.

8. The priest is forbidden to approach within four cubits of a corpse or a grave even though it be neither in a house nor in a grave. This is only true when the body lie in a permanent place, if, however, it lie in a temporary place during the funeral procession or during the funeral service, or when they stop, then he need not keep aloof more than four hand-breadths.

9. A priest who is asleep in a house containing a corpse, or in a house to which the impurity of the dead penetrates, and it is impossible to shut it in order to prevent the access of the impurity, must be awakened so that he should go out. If he be undressed, he should not be told of the impurity, but merely told to go out, so that he may first dress himself, for

"great is the honor of humanity"; nevertheless, having become aware of the impurity, he is forbidden to stay there until he has dressed himself, but he must go out immediately.

10. There is an opinion which holds that even the corpse of a non-Jew causes impurity when in a tent. One must regard this opinion and not go on the grave of a non-Jew. Especially is this true when there is apprehension that an apostate was buried there, for an apostate is considered like a Jew in this respect. The child born by an apostate woman from a non-Jew is likewise considered like a Jew in this respect.

11. A priest is permitted to become defiled in the case of the following relatives, and to do so is a religious duty, namely; his wife whom he rightfully married (not one whom he is forbidden to marry), his father and mother, son and daughter, brother and sister from the father's side, if they had lived thirty days, but he should not defile himself for a doubtful abortion nor should he defile himself for his married sister. There are some authorities who say that the priest being allowed to defile himself by contact with relatives refers only to the needs of burial, or to the bringing of a coffin, shrouds, and the like, and that consequently on the Sabbath when burial is impossible on that day, he is forbidden to defile himself for the sake of guarding the corpse. It is right to be scrupulous in accordance with that opinion. But concerning all things necessary for burial he is in duty bound to defile himself for their sake. Even if all the burial preparations were made by the holy brotherhood and he does not attend to it at all, he is permitted to be in the room, for perchance he may be wanted to obtain something that they may need. He can defile himself by contact with these relatives only until the grave is closed, but not thereafter.

12. The priest is not permitted to defile himself for his parents who separated themselves from the ways of Israel, nor for the one who had committed suicide, nor for the one for whom he need not mourn.

13. A priest should not defile himself by contact with a dead relative who lacked any of his limbs; and there are some authorities who are stringent and do not allow a priest to defile himself by coming into contact with one who was killed, and it is proper to follow the stricter opinion.

14. There are some ignorant priests who made it a custom to go on the graves of the righteous, because they claim that the graves of the righteous do not defile. This is an error, and they should be prevented from doing it.

15. Just as the adults are warned against defiling themselves, so are they warned concerning the little ones, for it is written: "Say unto the priests, and say" etc., and our Rabbis, of blessed memory, said that because twice "say" is written there, it is to warn the adult priests concerning the little ones. Only to cause them to defile themselves is forbidden, e.

g., to bring them into the house where a corpse is found. If, however, the minor has defiled himself on his own accord, there is no need to take him away from there, but if he reached the age for training, he should be taken away from there. The pregnant wife of a priest is permitted to enter the tent where a dead one is found.

16. The priests cannot force the relatives of the dead to hastily remove the corpse, so that they can enter their houses. If the priest were sick and unable to leave the house, it is incumbent upon the relatives of the dead to remove the corpse in order that they should not cause the invalid to transgress a prohibition of the law. If, however, the dead were an abortion, it is obligatory upon the relatives to remove it, in any event, and even on the Sabbath, through a non-Jew.

CHAPTER CCIII.

Laws Concerning Relatives and Minors for Whom One Must Mourn.

1. There are seven relatives for whom one must mourn: one's father, mother, son, daughter, brother and sister, whether from the father's side or mother's side, even for a married sister. A husband must mourn for his wife, and a wife for her husband.

2. For other relatives it is the custom to keep partial mourning during the first week of the death until after the Sabbath. Thus they do not bathe in hot water nor do they change all their clothes for that Sabbath as on other Sabbaths. There are degrees in mourning depending upon the closeness of relationship, thus for the demise of a relation in the second degree, e. g., a grandson, whether descended from a son or a daughter, one should manifest his grief by not wearing his outer garments for the Sabbath. For a father-in-law, or a mother-in-law, and for a grand-father, whether from the mother's or father's side, also a woman for her father-in-law or her mother-in-law one must manifest sorrow by not changing one's clothes, with the exception of the under garments, and a woman her white veil. All who mourn for the above should also observe the custom of neither bathing, nor combing their hair, nor eating outside of their house, neither at a religious feast, nor at any festive gathering; but after the first Sabbath following the death, everything is permissible.

3. For a child who had died within thirty days from its birth, even on the thirtieth day, even if its hair and nails were grown, one need neither rend his garments, nor mourn as an *onan*, or keep a period of mourning, for it is a doubtful abortion. If, however, it died after the thirtieth day, (say) on the thirty-first day, even at an earlier hour than that on which it was born, the garment should be rent, and one should mourn as an *onan*, and also keep a period of mourning, unless it were clearly known, that the child was born in the eighth month (as such a child cannot survive). If it were clearly known that it was born in the ninth month, as for

instance, the father had separated after cohabitation for nine full months when the child was born, even if it died on the day it was born, the garment should be rent, and one should mourn as an *onan*, and a period of mourning should be kept.

4. If one of twin children had died within thirty days or even on the thirtieth day from birth whilst the other survived after thirty days it does not follow that because one survived until after the thirty days the first one too was a child that could survive, but no mourning should be observed for him.

5. Male and female proselytes who were converted together with their children should not mourn for one another, for every proselyte when converted is considered as a new born babe, and they are no longer considered as being related to one another.

CHAPTER CCIV.

Laws Concerning the Time When Mourning Should Begin.

1. Mourning begins as soon as the dead was buried and the grave has been filled up with earth. The mourner should remove his boots at the cemetery, but if he be obliged to go home and he lives in a non-Jewish neighborhood, he may wear his boots, but he should place a little earth in them.

2. If the cemetery be near the city and the mourner did not go there, but after having accompanied the dead, he returned to his home, his period of mourning does not begin until he is told that the grave has been filled up. Nevertheless if night were approaching and he desired that day to count in the total of the seven days of mourning, he may begin to mourn from the time when he assumes that the grave had been filled up, and if he be afterwards told that the grave had been filled up before night-fall, he may count that day (as one of the days of mourning.) If the mourning began on the eve of a Festival, the latter abrogates the observance of the seven days of mourning.

3. In places where the dead are conveyed to another city for burial, and consequently such mourners who are left in the city do not know when the burial takes place, they should therefore begin to mourn immediately when they return from the funeral. From that time they may also count the period of the seven days and the thirty days, but the people who accompany the dead to the place of his internment, should count from the time when the burial took place. Some authorities hold that if the head of a family accompany the dead, the members of the family who remain at home should also begin to count from the time of the burial. They guess by supposing the time he was buried, and they begin the mourning. And it is for the sake of being more stringent that they are led by the head of the family that the others too begin to count from the time of the burial, but if the head of the family remained at home those who accompanied the dead are not guided by him, but must begin to count from the time of the burial.

4. One who was drowned or killed by a non-Jew and they searched for him but did not find him, as long as they did not abandon the search, the relatives are neither amenable to the laws of mourning as *onan*, nor do they begin a period of mourning, and they are even permitted to cohabit. As soon as they have abandoned the search, they should begin to mourn, and if after the days of mourning are over, the corpse were found and buried, they do not need to mourn for him again, but if the deceased were a father or mother, one is required to rend his garments. If the lost person had a wife and the proof of his death is not so clearly established that she can be permitted to marry again, no mourning should be kept for him, nor should *kaddish* be said for him. They should nevertheless give pleasure to his soul by occasionally reading the prayers in public, by reading the *haphtorah*, by uniting with others to say Grace, by giving charity, and by learning or hiring somebody to study in his memory.

5. If a relative had learned of the death of a kinsman, he should begin to count the seven days of mourning from the day wherein he had heard thereof. Even if he came thereafter to the place of the dead where the other mourners are and who began their mourning before, he should not shorten his period of mourning because of this. If it was told to him only when he came to the mourners, but the latter are not at the place where the dead was or where he was buried, he must begin to count for himself from the time it became known to him.

6. If he became aware of it when he came to the mourners who were at the place where the dead was or where he was buried, then if at the time of the burial he was no further away than ten parasangs which is a day's walk, it is considered as if he had been present at the burial and he counts with the other mourners. Even if he came on the seventh day before the expiration of the seven days, inasmuch as they observed some mourning he begins to count with them the seven days and the thirty days. This is only true when the head of the family is among them whose lead they all follow, but if the head of the family was not there, he must count for himself. If he came from a far place, although the head of the family is there, he must also count for himself.

7. He who counts with those that are present, even when he returned to his own house, he counts the days with them.

8. Who is called the head of the family? Those who would by supposition, be respected by them in such a degree that were it a question of dividing the estate of the deceased, all matters would be left to his decision, and they would all follow his advice, even should he be young in years, that one is called the head of the family, and even if the same one be not the heir, e. g., if a widow be present and she is the manageress of the house, she is the head of the family; one who lives with his father-in-law, and whose wife had died, his father-in-law is the head of the family.

9. If, when one heard of the death of one's relative, the congregation had already recited the evening prayers but it was yet day, and he had not yet prayed, he does not follow the congregation and he can count that as one day. If, however, he already recited the evening prayer, this day is not counted, and he should count the seven days and the thirty days from the following day. This interpretation of the law is for the rigid observance thereof, and not to exempt thereby; thus if he had heard of the death on the thirtieth day after having said the evening prayers, we do not say that it is already night, and that the news was received after the time (of the thirty days) had passed, thereby exempting him in some measure, but we consider it as day and consequently he heard of the death in due time, so that he can count that day in the total of seven days. With regard to *tephilin*, if he had heard of the death of a relative on any day after he had said the evening prayers but whilst it was yet day, he should lay them on the following day without saying a benediction over them and cover them, and if it happened on the thirtieth day, he should lay them on the following day, saying the benediction. If a woman had heard of the death of a relative after the congregation had already said the evening prayers though it be still day, if she be not accustomed to say the evening prayers, she is governed by the action of the congregation for the stringent enforcement of the law, and that day she cannot count as one of the days of mourning.

10. When a plague breaks out, God forbid, it is customary not to mourn, for all are in a panic, but when the visitation has passed, and it is not within thirty days from the demise of one's relative, he is required to mourn. If, however, it were not over until the thirty days had passed, or if a Festival had intervened in the meantime, one is not required to mourn thereafter.

CHAPTER CCV.

Laws Concerning the Meal of Condolence.

1. On the first day of mourning the mourner is forbidden to eat the first meal of his own food. Therefore it is a religious duty for his neighbours to send him the first meal. This is called the meal of condolence, which should begin with the eating of eggs or lentils, which are round and have no mouth, just as the mourner has no mouth, but these can be followed by all manner of food even meat. The mourner is also permitted to drink a little wine during that meal just enough to help digest his food, but not to satiation. (Some authorities hold that on the first day the mourner is not allowed to eat of his own even if he eats many times during that day.)

2. If, however, he should not desire to eat until nightfall, inasmuch as the first day has passed, he is permitted to eat of his own food. It is therefore proper for one who lives by himself in a village and he has no one who will send him the meal of condolence, to fast until nightfall; nevertheless if he cannot fast, since he is not obliged to distress himself, he is permitted to eat of his own food.

3. It is forbidden for a married woman to take the first meal of her husband's food, for inasmuch as it devolves upon him to support her, it is her own food. A hired person who has also board as part of his hire, who became a mourner, should not eat the first meal of his employer's food. He who supports an orphan or his grown-up son or daughter whom he need not support, if the latter become mourners they may eat the first meal of his food, because it is not considered as their food.

4. To women in mourning, the meal of condolence should not be supplied by men but by women.

5. If the burial took place at night and the mourner desired to eat at night, he is forbidden to eat of his own food, but he should be provided with a meal of condolence. If he should not desire to eat at night, he is forbidden to eat the first meal of his own food in the day-time, for the day is counted with the preceding night and it is therefore his first day of mourning.

6. On a Friday afternoon after the ninth hour of the day, when it is forbidden to partake of a regular meal, the mourner should not be served with a meal of condolence because of the honor for the Sabbath, and he should not eat anything till the night.

7. The meal of condolence is to be served only upon hearing a "timely" death, but not upon the news having been delayed. If on the Sabbath he had heard of the death within thirty days of its occurrence, the meal of condolence should not be served to him, but he should eat of his own food; nor should he be provided with that meal on the day following, inasmuch as the day when he heard the news, had passed.

8. If the dead was buried on a Festival, the meal of condolence should not be given to the mourner, neither should it be given after the Festival since the day was postponed. But if the burial took place on the Intermediate days of a Festival, the mourner should be given the meal of condolence, and he must eat it while sitting at the table on a bench, for there is no mourning on the Intermediate days.

9. It was the custom to fast on the day a man learned in the Torah had died.

CHAPTER CCVI.

Laws Concerning the "Timely" and "Delayed" News.

1. If one had heard of the death of his relative, for whom he is required to mourn, within thirty days, even on the thirtieth day, the tidings are "timely" and he should rend his garments, and he is obliged to observe the seven days of mourning counting them from the same day. The day when the news reached him is governed by the same laws as obtain on the day of burial. And the thirty day period which is considered as "timely" is to be counted from the day of the interment and not from the day of the death.

2. If the news reached him after thirty days had elapsed from the day of burial, the tidings are "delayed" and he need not observe mourning for more than one hour, and it makes no difference whether he received

the tidings by day or by night. One hour's mourning is sufficient in such event even for one's parents, with the exception that it is his duty to observe the usual mourning of twelve months for one's parents, even if the tidings of the death were "delayed". The twelve months of mourning should be counted from the day of the death. And if the tidings reached him after the twelve months had passed he should not observe mourning for more than an hour, even with reference to the observance relating to the entire twelve months.

3. One who received "delayed" tidings need not observe the entire laws of mourning, it being sufficient for him to take off his boots, and he is permitted to work, to bathe, to anoint himself, to cohabit, and to study the Torah. If, however, he did not wear boots when the news reached him, he must do something else whereby it will be recognized that he mourns, e. g., to sit on the ground for one hour.

4. One who heard "timely" tidings on the Sabbath, should count the Sabbath as one day, and at the termination of the Sabbath he should rend his garment and count six more days of mourning thereafter.

5. If one had heard "timely" tidings on a Sabbath or Festival, but which at the termination of the Sabbath or Festival became "delayed" tidings, he is forbidden to transact thereon the private matters (from which a mourner must abstain), at the termination of the Sabbath or a Festival, he should observe one hour's mourning as though the tidings were "delayed".

6. If one heard "timely" tidings on a Sabbath which is the eve of a Festival, inasmuch as he must then abstain from those private matters that are forbidden, the Festival annuls the seven days of mourning.

7. One who receives "delayed" tidings on a Sabbath or Festival should not observe mourning even with regard to private matters, but at the termination of the Sabbath or Festival he should observe one hour's mourning and that is sufficient.

8. If after a Festival one heard that his relative had died before the Festival, although the intervention of the Festival served to annul the mourning for those who had observed mourning prior thereto, nevertheless it does not effect his case, inasmuch as he did not observe any mourning at all before the Festival. Therefore if it were on the thirtieth day after the burial when the tidings reached him, they are "timely" and he is required to observe the seven days and also the thirty days of mourning.

9. One whose relative had died and he is not aware of it, should not be informed thereof, and concerning him who informs him thereof it is said: "He that uttereth a report is a fool" (Prov. x, 18.) It is allowed to invite him to a joyful gathering, for so long as he is ignorant of his loss he is the same as any other person. If a husband knows that some relative of his wife died, he may cohabit with her, since she is not aware of it.

10. If a person be asked by a relative or one who had died if the latter be alive, he should not lie and tell him that he is alive, for it is said: "Keep thee far from a false matter" (Ex. xxiii, 7) but he should answer ambiguously, that he himself may guess that he died.

11. It is customary to inform sons of the death of their father or mother in order that they say *kaddish.*

CHAPTER CCVII.

Laws Concerning the Comforting of Mourners.

1. It is a great meritorious duty to comfort mourners, and we find that the Holy One, blessed be His name, comforted mourners, for it is written: "And it came to pass after the death of Abraham that God blessed his son Isaac" (Gen. xxv, 11), and this is showing kindness to the living as well as to the dead. The comforters are not permitted to say anything until the mourner had first commenced to speak, as was the case with Job, for it is said: "And none spoke a word unto him" (Job ii, 13), and thereafter it is written: "After this opened Job his mouth" (Ibid iii, 1), and then: "Then answered Eliphaz" (Ibid iv, 1). If the comforters see that the mourner wishes them to withdraw, they are not permitted to remain with him any longer.

2. A mourner or a sick person is not required to rise even before a *Nassi.* Although it is polite to say to one who desires to confer an honor upon the other by rising, "Keep your seat;" one should not say so to a mourner or to a sick person, for it suggests, "sit down and remain in your mourning," or "lie down and continue in your sickness."

3. A man should not say: "I was not punished as much as I deserve for my evil deeds," or expressions similar thereto, in order not to open his mouth for Satan (i. e., invite misfortune by ominous words).

4. One should not say to the mourner: "What canst thou do, it is impossible to alter the decree of the Holy One, blessed be His name," for that is akin to blasphemy, inferring that were it possible for him to change it, he would have done so. But one must accept the decree of the Name, blessed be He, with love.

5. The mourners should mourn in the place where the dead gave up his soul, for in that place the soul of the departed mourns, and there it is necessary to comfort it. It is a religious duty to pray there with a quorum of ten in the morning and in the evening, even if there be no mourner present, for it is a consolation for the soul. If there is a mourer, he is counted as one of the necessary ten. A Scroll of the Law should be brought there, and a proper place should be assigned for it for the time they pray there.

If two deaths occurred in two different houses, in one of which there is a mourner and in the other there is none, and in that village there are not enough people to make up a quorum of ten for both houses, they should assemble to pray in the house where there is no mourner. In the house of the departed, it is customary to recite after service morning and evening Psalm xlix, and certainly it is best to study the Mishnah there for the sake of the soul.

6. During the seven days of mourning no *hallel* should be said if there be a mourner present (because it is sneering the poor, for there it is written: "The dead praise not the Lord"). If there is another room, then the mourner should go to that room, and the congregation should recite the *hallel*, and if there is no other room, then on the New Moon those who prayed there need not recite the *hallel* thereafter in their own houses, but on *Chanukah*, they have to recite the hallel in their own houses. If they pray in the house of the departed but there is no mourner present, or if they pray where the mourner is present but the death did not occur there, they should recite the *hallel* even on the New Moon, but the mourner should not recite it (for there it is written: "This is the day which the Lord had made; we will be glad and rejoice thereon"). If the seventh day of mourning occur during the days of *Chanukah*, then after the comforters left, at which time mourning ceases, the mourner too should recite the *hallel*, because it is then obligatory. Other authorities are of the opinion that on *Chanukah*, *hallel* should be recited with the congregation even in the house of a mourner. If New Moon occur on the Sabbath, *hallel* should be recited with the congregation even in the house of a mourner, for on the Sabbath there is no mourning.

7. It is not customary nowadays to recite the benedictions for mourners contained in Grace, for we rely on the opinion of those authorities who hold that these must be said only when Grace is recited with a quorum of ten.

CHAPTER CCVIII.

Laws Prohibiting the Mourner from Doing Work.

1. During the seven days of mourning the mourner is forbidden to do any work, to bathe or anoint himself, to wear freshly washed garments, to cut his hair, or to be present at any festivity. On the first day he is also forbidden to lay *tephillin*.

2. What is the law concerning work! During the first three days he is forbidden to work, even if he be poor and have nothing to eat. From the fourth day on he may work privately in his home. A woman also may work privately in her own home to earn enough for her sustenance. The sages say: "May poverty overtake his neighbours, who force him to work," for it is their duty to provide for the poor, especially in his days of mourning.

3. He is even forbidden to have his work done by others, even through a non-Jew. If, however, the work be very urgent, and he might sustain a loss (by not doing it) he should consult the ecclesiastical authorities.

4. Just as the mourner is forbidden to do work, so is he forbidden to buy and sell. If, however, he possess merchandise, which will cause him to sustain a loss in his capital if not sold now, he should consult the ecclesiastical authorities in regard thereto. If merchandise had arrived by road or water, which is now to be sold cheaply, but which he will not be able to obtain later, or if he be at a market-place when he received timely tidings of the death of a relative, he may likewise buy and sell through others.

5. A mourner is allowed to lend money on interest through an agent to those non-Jews who have been accustomed to borrow from him. If he have regular customers, and he is afraid they will accustom themselves to trade elsewhere, he may likewise be permitted to sell to them through others.

6. He is likewise permitted to send to collect money due to him, when he has cause to fear that the delay may spoil the recovery of the same.

7. Such writing that is allowed during the Intermediate days of a Festival is also permitted to a mourner, if it be impossible for him to have it done through another.

8. A mourner whose field is in other hands, either through a tenant (whereby the latter obtains a third or fourth of the produce), or through a holder (so that the latter pays the owner of the field a fixed amount of the produce), or on a lease (for which he is paid a certain sum of money), these tenants can attend to their work in the field as usual, when the owner is in mourning, for inasmuch as they derive the profit of their labor, they need not suffer a loss on account of his mourning. But if the mourner hire a day laborer to work in his field, he is forbidden to let him work, even if the field be in another city, since the work is done for the benefit of the mourner and is done publicly.

9. If the mourner be a tenant of the field of another person, he is forbidden to work in it himself, but he is permitted to employ others to work therein, for it is not called the work of the mourner, but the work of the owner of the field. If, however, there be different kinds of work which he has to do for others, he should not do it even by employing other people to do same, but if it be something that must be done or there will be a loss he may do it through others.

10. If a mourner had let out animals on hire to another, the latter is permitted to do work therewith, inasmuch as he hired them before the former became a mourner, for he who hires anything acquires (for the time being) a proprietary right therein. but after the expiration of the time for which they were hired, he is forbidden to use them.

11. It is permissible for a mourner to accept work to be done after his period of mourning will expire, provided he neither weigh nor measure the same, as he would do at other times.

12. If a mourner had given out work to another on a contract and the latter had received it before the former became a mourner, and the work is done privately at the house of the worker, it is permitted to be done by him.

13. A mourner is forbidden to carry on the construction of his building even on a contract, and through non-Jews and in a distant locality where no Israelites reside. If he had contracted with others to work on his farm and he pays them a stipulated amount for all the field-work, such as ploughing, sowing and reaping and the like some authorities permit it while others prohibit it.

14. Domestic occupations are not included in the work which a mourner is forbidden to do, thus it is permissible for a woman in mourning to bake and cook, and to attend to all her domestic duties. She is, however, forbidden to do work that is not necessary. A domestic servant in mourning is also permitted to do all the necessary work, although she gets paid therefor, but she should not do unnecessary work merely for the sake of gain; moreover she should not leave the house, as she is like other mourners in this respect.

15. If two kept a store in partnership and one of them became a mourner, the shop should be closed in order that the other should not do business publicly. He is permitted, however, to do business privately in his house, even to engage in such matters in which both partners are involved. This is, however, forbidden where the mourner is an eminent man, and the business is carried on in his name. (Where a great loss may be entailed if the partner of the mourner will not be permitted to open the store, the ecclesiastical authorities should be consulted, whether it may be opened after three days).

CHAPTER CCIX.

Laws Concerning the Prohibition to Bathe, to Anoint, to Wear Boots and to Cohabit.

1. The mourner is forbidden to bathe his entire body, even in cold water, moreover washing the face, hands and feet with warm water is prohibited, but with cold water it is permitted. Bathing in warm water is forbidden the entire thirty days. Bathing the entire body even in cold water is forbidden in the thirty days, if done for the sake of pleasure. A woman who must bathe before immersion is permitted to bathe in warm water after her seven days of mourning.

2. If a woman who gave birth to a child became a mourner, if it be necessary for her to bathe, it is permissible for her to do so even during the seven days of mourning, but on the first day (of mourning) she should not bathe unless it is be absolutely necessary. A person of delicate constitu-

tion who would be very distressed and indisposed by abstaining from bathing, is permitted to bathe. If one have a disturbance in his head he is permitted to wash his head even with warm water.

3. One is forbidden to anoint himself in the slightest degree for the sake of pleasure; however, for hygienic purposes and especially as a remedy, e. g., when he has scabs on his head, it is permitted.

4. One who went into mourning immediately after he had finished a period of mourning, is permitted to bathe in cold water.

5. The prohibition concerning the wearing of boots is applicable only to boots made of leather, and it is permissible to wear shoes made of cloth, rubber, hair, or wood, for the term "boots" refers only to those made of leather. A wooden shoe covered with leather is also forbidden to be worn. Although the mourner is forbidden to wear boots, he should nevertheless say the benediction: "Who hast supplied my every want" in the morning service.

6. A woman within thirty days of giving birth to a child, also one who is suffering with sore feet are permitted to wear boots.

7. A mourner who walks out of doors, is permitted to wear boots. He should, however, sprinkle a little earth therein. Also wherever it is necessary to put on boots he may do so.

8. Cohabitation, even kissing and embracing are forbidden, but other acts of attention, such as offering drink or making the bed and the like are permitted to the husband and wife when either is in mourning.

CHAPTER CCX.

Laws Prohibiting the Study of the Torah and Greeting.

1. The mourner is forbidden to study the Torah, for it is written: "The precepts of the Lord are right, rejoicing the heart," and a mourner is not permitted to rejoice. He is forbidden to study the Bible, the Mishnah, the Talmud, the Halakhoth and Haggadoth, but he is permitted to read Job, Lamentations, the mournful parts of Jeremiah, in the Talmud he may study chapter *Ellu M'galchin* dealing with the laws of one who was excommunicated and a mourner, and the Treatise S'machoth, and in the codes he may study the laws concerning mourners. One is forbidden to consider too critically the aforementioned subjects which are permitted to be read.

2. A teacher who is in mourning is allowed after three days to teach his pupils all their lessons, and their studies should not be discontinued

for the study of small pupils whose mouths are pure from sin is more beloved than the study of adults. The young children of a mourner should likewise not cease their studies, as mourning is not incumbent upon them.

3. Even if the mourner be the only priest in the synagogue, he is forbidden to go to the reading of the Law.

4. During the seven days of mourning, the mourner should not say, "How the mixture of incense" nor *ma'amodoth*, nor, "May it be Thy will" contained in: "Which is their place?" and when saying the *habdallah* benediction, he should omit the verses of joy that precede it and begin only with the benedictions.

5. A mourner within the seven days of mourning should not officiate as Reader of the prayers for the congregation unless there be no other present capable of acting as such. If he, however, be a mourner for his parents, we are accustomed to permit him to act as Reader, even though another person, who is capable, is present. It is customary that a mourner should not act as Reader on Sabbaths and Festivals during the entire year, unless there be no other Reader. If he were accustomed to act as Reader before he became a mourner, it is permissible for him to continue to do so under all circumstances.

6. What is the rule concerning greetings? During the first three days of mourning, he should neither salute any one, nor respond to another's salutation; but, he should inform them that he is a mourner; after three days until the seventh day he should not salute, but he may respond to another's salutation. From the seventh until the thirtieth day, he may salute another, inasmuch as the other may receive greetings of peace, but others should not salute him, as he is not in a state of contentment. If, however, they saluted him, he should respond to their greeting. After the thirty days (of mourning) he is like other people in regard to salutation.

7. Since a mourner is forbidden to greet anybody, he certainly is forbidden to laugh or rejoice. In the seven days a mourner should not take a child in his arms, in order that it may not lead him to levity. He is likewise forbidden to hold much conversation with people unless he should do so to honor them, e. g., he is permitted to say on the departure of many people who come to comfort him: "Go to your homes and fare ye well," this being permissible in honor of many people.

8. It is permissible to salute mourners on the Sabbath, in places where it is customary to do so. A mourner may salute anybody on the Sabbath, since it is done publicly.

9. It is permissible for him to say: "Who has kept us alive" even during the seven days, when the occasion requires it, e. g., on *Chanukah* or on partaking of a new fruit, and the like.

CHAPTER CCXI.

Laws Concerning other Things which are forbidden to a Mourner.

1. He is forbidden to sit upon cushions and pillows during the seven days, but he should sit only on the ground; in the case, however, of an invalid or of an old man, to whom sitting on the ground is painful, it is permissible for them to sit on a small cushion. The mourner may walk and stand, and he is not required to sit, except in the presence of comforters, when it is obligatory to sit. It is also forbidden to sleep in a bed or on a bench, only on the ground, but he may put pillows or matresses on the ground, as he is accustomed to lie in bed. Others permit him to sleep in the bed, and so it is the custom, because their constitutions are weak, and they are like sick in this regard.

2. On the first day of mourning, the mourner is forbidden to wear *tephillin*, it matters not whether it be the day of death and burial, or of burial only. If the burial took place at night, it is forbidden to wear *tephillin* the following day, and it is only permitted to wear them the day thereafter, after day-break. The day on which one receives "timely" tidings is equivalent to the day on which death occurred on which the burial took place. If death occurred on a Festival, or "timely" tidings were received on a Festival, he may wear *tephillin* on the first day after the Festival.

3. It is not the custom in our lands to enwrap the head. Nevertheless the mourner should observe some sort of enwrapping his head, e. g., to pull down the cap close to the eyes during the seven days, but not on the Sabbath because it is an overt act.

4. One is forbidden to wear a washed garment, even a shirt, during the seven days of mourning even in honor of the Sabbath. It is even prohibited to use freshly washed sheets or bed-spreads or (freshly washed) towels. In honor of the Sabbath, however, it is permissible to cover the tables with table-cloths that had been washed prior to the period of mourning.

5. One is forbidden to wash his garments, or even to put them aside until after the seven days, because it is work. If, however, his garments were in the hands of others, they are permitted to wash them, just as though it were any other work which they had contracted to do for him.

6. One who became a mourner immediately after having finished a period of mourning, is permitted to wash his garments (but with water only, not with soap or the like), and to wear it.

7. After the first seven days until the thirtieth day according to law he is allowed to wear a washed garment if it be ironed, provided it

is white and new. But the custom prevails to forbid also to wash clothes, even when not ironed, unless another person had previously worn it for a short time. If, however, it were merely washed with water, it is unnecessary for another person to have worn it first.

8. If he did not change his garments for pleasure, but out of necessity, e. g., if the garments which he wears be soiled, or if it be necessary for the sake of cleanliness, he is permitted to do so even during the first seven days and on a week-day, provided the clean garments were first worn by another.

9. One is permitted to wash and iron a garment after seven days, and to wear the same after thirty days, and even within the thirty days if another had worn it first.

10. During the thirty days of mourning one is forbidden to wear his Sabbath garments even on the Sabbath. It is certainly forbidden to wear new garments. One who mourns for a parent is forbidden according to custom to wear new garments the entire twelve months. If, however, he be in need of them, he should let another person wear them first, for two or three days.

11. A woman who had given birth to a child, and who wished to go to the synagogue on a Sabbath during the thirty days of mourning, or even during the first seven days of her mounring, as it is customary for her to consider that Sabbath as a day of rejoicing and to wear her best garments and jewels, she is permitted on the Sabbath also to wear her Sabbath-garments, but not the best ones reserved for a Festival, lest her mind be diverted and she forget that she is in mourning. It is not necessary for her to change her place (in the synagogue).

12. One is forbidden to cut his hair, during the thirty days of mourning; this refers not only to the hair on his head, but also to the hair of any other place. If he mourn for a parent he is forbidden to cut his hair, until he be rebuked by his friends, the limit of the time in this case is the subject of controversy between the authorities. We are accustomed not to cut the hair the entire twelve months, unless it be necessary, e. g., if his hair were a burden to him, or if he go amongst people of different beliefs, and he would be looked upon with disdain on account of his hair, for no actual rebuke is essential, but if his hair grew to a size which alters his appearance so that he is unlike other people to such an extent as to arouse comment, under such circumstances he is allowed to cut his hair, but only after the thirty days of mourning.

13. Just as it is forbidden to cut the hair within the thirty days, so is it forbidden to pare the nails with an instrument. It is, however, permissible to do so with one's hands or teeth even during the first seven days of mourning. Even a *Mohel* is forbidden to shape his nails as is required for uncovering the foreskin, unless there be no other *Mohel* available to perform the circumcision, he is then permitted to do so even during the first seven days of his mourning. A woman who requires a ritual bath after the first seven days of mourning and during the thirty

days of mourning, should ask a non-Jewess to pare her nails, but if there be no non-Jewess, she may ask a Jewess.

14. Combing the hair is allowed even during the first seven days of mourning.

15. It is customary for a mourner to change his place in the synagogue during the entire thirty days. If he mourn for his parents he should change his place during the entire year. The changed place should be at least four cubits from his accustomed seat, and further removed from the Holy Ark.

CHAPTER CCXII.

Laws Concerning Rejoicing Forbidden to a Mourner even after the First Seven Days of Mourning.

1. A mourner is forbidden to join in the circumcision feast, or in the feast to celebrate the redemption of the first-born, or on the occasion of the conclusion of the reading of a tractate of Mishnah or Talmud, and more especially a wedding feast, during the thirty days of his mourning for one's relatives, and during the year for one's parents (even in a leap-year twelve months are sufficient). If a religious feast take place at his house, he is permitted to partake thereof. He should abstain from joining in a wedding feast, even if it take place at his house, unless one of the couple be an orphan whom he has given in marriage, and his abstaining from eating might cause the match to break off, he is then permitted to eat even if the feast be in another house; he is also permitted to wear the Sabbath garments (if it occurred) after thirty days even if he were in mourning for his parents, and for other relatives even during the thirty days.

2. He is not permitted to extend an invitation to others or to be invited with others. He should neither send gifts to others, nor should others send gifts to him during the thirty days of mourning, nor during the twelve months of mourning for one's parents.

3. If after thirty days a mourner (even for one's parents) officiate as godfather or circumciser he is permitted to wear his Sabbath garments until after the circumcision, and he may also join in the feast.

4. During the thirty days of mourning for other relatives, or during the twelve months of mourning for one's parents, the mourner is forbidden to enter a house where a wedding feast is being celebrated, even to hear only the benedictions that are recited on that occasion. During the ceremony of marriage if performed in the court of the synagogue when the benedictions of the marriage service are being said, he is allowed to stay and to listen to the benedictions, if it be after the thirty days of mourning even for a parent. He is even permitted to say the benediction and to act as best man escorting the bridegroom under the nuptial canopy. He is then also permitted to wear his Sabbath garments, but only if it be after the thirty days, but he should not go in there to partake of the feast; others permit even that.

5. A mourner is permitted to attend a wedding feast if he act as waiter, and he may eat in his own home what is sent to him from the feast.

CHAPTER CCXIII.

Laws Prohibiting a Mourner to Marry during the Thirty Days of Mourning and Laws Concerning a Groom or a Bride Who Became Mourners.

1. A mourner is forbidden to marry during the thirty days of mourning. A woman in mourning is likewise forbidden to be married until after the thirty days; thereafter, however, it is permissible, even if one mourn for a parent. It is, however, permitted to arrange a betrothal without a feast, even during the seven days of mourning.

2. If one's wife died he should not marry again until three Festivals have elapsed. Because on account of the rejoicing of the Festivals he will forget the first love upon nearing the second, so that he should not drink of this cup and have his mind on the first. *Rosh Hashanah*, *Yom-Kippur*, and *Shemini Azereth* are not reckoned as Festivals in that respect. If, however, he had not yet fulfilled the precept "Be fruitful and multiply" (Gen. i, 28), or if he had young children, or if he had no one to look after him, he need not wait until the three Festivals have passed. Nevertheless it is proper to wait until after thirty days. A woman whose husband died must wait ninety days before being married again.

3. If one had prepared everything needed for his wedding, and one of the relatives, either of the bride or the bridegroom had died, even if it be the father of the bridegroom or the mother of the bride, nowadays when it is possible to have things prepared by others, the marriage should be postponed till after the days of mourning.

4. Even if the above died after the nuptial ceremony, he is forbidden to have intercourse till after the days of mourning. And since he is forbidden to cohabit, and he had had no cohabitation prior thereto, they may not be left alone without one watching them. After the seven days of mourning, he may have the mandatory cohabitation and celebrate the seven days of the feast.

5. If, however, after cohabitation, a relative of either the bridegroom or of the bride had died, they are already subject to the laws governing the seven days of feasting, and it is considered to them like a Festival, during which time no mourning is to take place. These days are even less severe, because they may wear ironed clothes and cut their hair, and are forbidden to do only things that are done privately. After

the seven days of the feast, begin the seven days of mourning, and even the thirty days are to be commenced with the seven days of mourning.

CHAPTER CCXIV.

Laws Concerning the Time when a Mourner may leave His House.

1. A mourner is forbidden to leave his house during the entire seven days of mourning, unless a death that required his attention had occurred in the meantime. Even if it occurred somewhere else where the people are destitute of the means wherewith to provide what is required for burial, he is then permitted to leave his house even on the first day. Also if an officer has called for him, or if there be a matter, which, if he should not go out to attend to, will entail a great loss, he is permitted to go out, but he should put earth in his boots.

2. He is forbidden to leave the house even to go to the synagogue to pray during the first seven days, except on the Sabbath. If it be impossible for him to gather ten adults at his house, and he would be compelled to pray privately, while there is a quorum of ten in his neighborhood, he may go there to pray rather then be prevented from participation in public worship.

3. If the mourner have to circumcise his son, he may go to the synagogue where the circumcision takes place, even during the first three days (of mourning). If a mourner be a godfather or a circumciser, he is forbidden on that account to leave his house during the first three days (of mourning), and after these three days he should pray at home, although he is allowed to go and attend the circumcision in the synagogue. If, however, there be no other *Mohel* in the city, he is allowed to leave his house to attend the circumcision even on the first day of mourning.

CHAPTER CCXV.

Laws Forbidding Excessive Grief.

1. It is forbidden to grieve excessively over the dead, for it is written: "Weep ye not for the dead, neither bemoan him" (Jer. xxii, 10), and our Rabbis, of blessed memory said: Is it possible to say thus? But "weep ye not for the dead," means excessively, and "neither bemoan him" means inordinately. But three days should be allowed for weeping, seven for mourning, and thirty for abstaining from wearing ironed clothes and from cutting the hair. Henceforth, the Holy one, blessed be He, says: Ye are not permitted to be more compassionate than I am. Our Rabbis, of blessed memory, said again: He who mourns to excess, will have cause to mourn for another death. The foregoing, however, apply only to an ordinary man, but in the case of a scholar, his death should be deplored in proportion to his wisdom. Nevertheless, he should not be mourned for more than thirty days, for he is not greater than Moses our teacher, may he rest in peace, concerning whom it is written: "And the people mourned for Moses thirty days," (Deut. xxxiv, 8).

2. Our Rabbis, of blessed memory, said: If one of the family had died, the entire family should evince sorrow. To what can that be compared? To a vault made of stones, when one stone trembles, all of them tremble at the same time. For the attribute of justice is stretched out against them, until losened little by little. During the first seven days the sword is aimed at them, up to thirty days it is weak, but is not restored to its sheath until after the twelve months. Therefore the first three days, the mourner should consider as if the sword lay between his shoulders, from the third day to the seventh, as if it was standing upright in a corner in front of him, from the seventh day to the thirtieth, as it passed in front of him in the street, and thereafter during the entire year, the attribute of justice is still aimed against this family, and if a son was born in that family the entire family is cured thereby, and only a male, for when a male is brought to this world, peace is brought to this world. If one of a company dies, the attribute of justice is likewise aimed against the entire company, and they should all evince sorrow.

3. He who does not mourn in accordance with the regulations laid down by the Sages is cruel, for it is his duty to bestir himself, and examine his deeds with fear and anxiety and to repent, perchance he may escape the sword of the Angel of Death. For it is said: "Thou hast smitten them, but they were not affected" (Jer. v, 3), which indicates that it is necessary to awake, to examine and to repent.

CHAPTER CCXVI.

Law Concerning "Part" of the Seventh Day, "Part" of the Thirtieth Day, and the Twelve Months.

1. On the seventh day, after the time when the comforters were wont to come, the mourner is permitted to do all those things, that were forbidden during the seven days; for, the Rabbis say: "Part of a day is reckoned as the entire day." This applies to all things, except to cohabitation which is forbidden the entire day (even in a dark room). If the seventh day of mourning occurred on the Sabbath, it is permissible for the mourner to study the Torah, immediately after he leaves the synagogue. In these countries where the comforters are not wont to come on the Sabbath, he has to wait until the time that they are wont to come on the other days, e. g., after going out from the synagogue.

2. With reference to the thirtieth day, the Sages also say, "part of the day is reckoned as an entire day," and since then no comforters come, therefore immediately at daybreak, the mourner is relieved from the observance of the laws pertaining to the thirty days of mourning. If the thirtieth day fall on the Sabbath, he is permitted to bathe in warm water on Friday in honor of the Sabbath, and to wear Sabbath gar-

ments, also to resume his original seat in the synagogue. He is, however, forbidden to cut his hair.

3. With reference to the twelve months of mourning for one's father or mother, the rule stating, "part of a day is reckoned as an entire day" does not hold good. On the contrary, it is customary to add the Jahrzeit day (even if it occur on the Sabbath) to observe thereon all the laws relating to the twelve months. During a leap year, however, it is not customary to be in mourning for one's parent longer than twelve months, and inasmuch as the twelve months had expired prior to the Jahrzeit day, he is not required to resume mourning on the day of Jahrzeit.

CHAPTER CCXVII.

Laws Concerning One Who Did Not Observe Mourning.

1. A mourner who did not keep mourning during the first seven days, whether inadvertently or intentionally, may make amends for this neglect during the entire thirty days, except with reference to rending the garment, which if not done at the distressing moment may be done during the first seven days, which are equivalent to the distressing moment, but for one's parents, one should rend the garments at any time.

2. A minor whose relative had died need not observe any of the laws of mourning, even if he became an adult, during the seven days of mourning; inasmuch as he is exempt therefrom when death had occurred, the law of the seven days does not apply to him. But with reference to the twelve months of mourning for his father or mother, he should observe all the laws of mourning, since it is in their honor.

3. An invalid whose relative had died for whom he is required to mourn, if he became aware of it and recovered during the first seven days, he should keep mourning during the remainder of those days. During the thirty days, he should likewise keep mourning during the remainder of the thirty days, but he need not make up for the days that had passed while he was ill, since he observed some mourning during his illness, and it is equivalent to the Sabbath which is reckoned in the seven days, but does not interrupt it. This law is also applicable to a woman who had given birth to a child, who is also required to make up for the days that had passed while she was in child-birth, but she merely keeps mourning during the remaining days.

CHAPTER CCXVIII.

Laws Concerning Testimony That Makes Mourning Obligatory.

1. One is obliged to mourn on being informed of a death by one witness or by the hearsay of one witness or by the disinterested statement of a non-Jew.

2. One who received a letter notifying of the death of a relative, but it failed to mention whether it be within thirty days or after thirty days of mourning (should be guided by the kind of man the writer is); if the latter be not versed in the Torah, he may take it for granted that his relative was alive shortly before the letteh was written, and he is obliged to mourn. If, however, the writer were a man learned in the Torah, it may be assumed that it is after the thirty days, for if there were a possibility of the letter reaching (its destination) during thirty days, the former would not have written to him regarding a relative, except in the

case of a parent, of whose death it is the custom to inform the son immediately, and for whom he is bound to mourn.

CHAPTER CCXIX.

Law Concerning Mourning on a Sabbath or Festival.

1. The Sabbath that occurs in the first seven days of mourning is subject to all the rules regulating the private life of a mourner, thus, he is forbidden to cohabit and bathe. He is, however, exempt from the observance of mourning in public, therefore before the recital of "A Psalm, A Hymn for the Sabbath" he is permitted to put on his boots, to sit on a chair, and to put on another garment in place of the one he had rent (as provided for in Chapter CLXLV, l. c., Supra). The study of the Torah is accounted as a private matter and is not allowed, but he is permitted to read the weekly portion of the Torah twice, and the Targum (Aramic translation) once, for inasmuch as it is the duty of every one to complete the Torah uniformly with the congregation, he may regard it as the obligation of reading the *sh'ma*, or like the reading of another portion of the services of the day.

2. If the mourner were called to the reading of the Torah, he must go, as his refusal would indicate public observance of mourning. They were accustomed to call up Rabbenu Tam to the third section every Sabbath, and when he happened to be in mourning the Reader failed to call him. Then he went up by himself saying, that inasmuch as he was accustomed to go to the reading of the Torah every Sabbath, his failure to do so on the Sabbath during mourning will arouse the attention of those present, and they will know that he is in mourning, and it will constitute a public observance of mourning on the Sabbath. A priest who is in mourning, if there be no other priest in the synagogue, should be called up to the reading of the Torah, but it would be better for him to leave the synagogue before the Scroll is taken out of the Ark. If a mourner have a son who is to be circumcised and it is customary for the former to be called up to the reading of the Torah, as that is his duty, then he should be called up, as the failure to do so will make people aware that he is in mourning, and it will thus be a sign of mourning in public. It were best, however, for him to absent himself from the synagogue during the reading of the Torah. (As for a woman who has to go to the synagogue during mourning, see ccxl, 11, supra).

3. If the official reader of the Torah on Sabbaths became a mourner, he should not go to that synagogue on the Sabbath during the first seven days of mourning, as his presence would raise a question of law as to whether he should read or not.

4. The Sabbath day is included in the total of the first seven days, Even if he received "timely" tidings of the death of a relative on Sabbath when he did not begin mourning, it is yet counted as one of the seven days, and he should rend his garment at the termination of the Sabbath.

5. One who buried his dead relative or received "timely" tidings of the death on a Festival itself, or during the Intermediate days of the Festival is not subject to the laws of mourning until after the Festival. (As for the law of the *onan*, see cxcv, supra). The foregoing refers

only to the observance of mourning in public; it is customary, however, to observe it in private matters, but one need not change his garments on the Festival, as that would constitute a public observance of mourning; (and although any other mourner is bound to change his garments even on a Festival, nevertheless in this case since his mourning has not begun, he need not change his garments). If he be accustomed to wear *tephillin* during the Intermediate days of a Festival, he should wear them on the first day after the funeral.

6. After the Festival is concluded, the mourner should begin to count seven days of mourning, the last day of the Festival counting as one of the seven days, after which he should count six days. Even the second day of *Rosh Hashanah* is included in the total of seven days.

7. Although the period of mourning does not begin on a Festival or during the Intermediate days thereof, nor do the laws pertaining to the thirty days of mourning apply to them, and it is allowed to wear washed garments, they are nevertheless, included in the total of thirty days of mourning, inasmuch as cutting the hair is then forbidden because of the Festival. One should therefore count the thirty days from the day of burial. (With reference to *Shemini 'Azereth*, although it is a Festival by itself, inasmuch as he did not yet begin to mourn thereon, it does not annul the period of mourning and counts but as one day in the total of thirty days).

8. If a bridegroom married before a Festival and celebrated his seven days of rejoicing during the Festival, during which time one of his relatives died, he cannot include these seven days of rejoicing in the total of the thirty days of mourning.

9. Although mourning is not observed during a Festival, still it is right to give to the one who has suffered the loss the attention usual in comforting a mourner, (this does not constitute the observance of mourning, since the mourner himself does nothing). After the Festival, at the expiration of seven days from the burial, although the seven days of mourning did not yet expire, he may employ others to do his work in their homes, and his working people may do his work privately in his home. After the Festival it is not necessary to comfort him for as many days as he was comforted during the Festival.

CHAPTER CCXX.

Law Concerning the Seven and the Thirty Days of Mourning That are Annulled by a Festival.

1. A Festival annuls the laws of seven and thirty days of mourning; thus, if one buried his dead relative before a Festival and mourned for him, he should cease mourning immediately the Festival begins. Even if the burial took place on the eve of the Festival toward the close of the day, in a manner that makes mourning obligatory upon him, even if he

had taken off his boots only for a short time before the Festival, he should cease mourning, and it is considered as if he had kept the entire seven days of mourning, and the first day of the Festival is counted as the eighth day of mourning, and thus it completes the sum of the thirty days. Even if the eve of the Festival occurred on a Sabbath, and he received "timely" tidings towards the evening, although only mourning in private matters is customary on that day, being Sabbath, inasmuch as he had observed even that, the Festival annuls the seven days of mourning.

2. One who inadvertently or intentionally did not observe mourning before the Festival, or who could not observe mourning owing to the fact that the burial took place at the approach of night, is not exempt from observing the first days of mourning, as the Festival does not annul them, and he is subject to the same law as applies to one who buries his dead on a Festival.

3. If one of the days of mourning, except the seventh day, occurred on the eve of a Festival some authorities permit him to wash his garments in the afternoon, but he should not wear them before night since the Festival annuls the law of seven days of mourning. It is best not to wash them until the afternoon, so that it be evident hat he washes them on account of the Festival. Some authorities permit him to bathe after the afternoon service towards night-fall, but to cut the hair is forbidden, and where the custom so prevails it is predominant.

4. If the dead was buried seven days before the Festival, since he observed the seven days before the Festival, the Festival annuls the thirty days. Even if the seventh day of mourning fell on the eve of a Festival, inasmuch as we hold that a portion of a day counts as an entire day, the seven days of mourning expire as soon as he had left the synagogue, and the rest of the day is counted as belonging to the thirty days of mourning, which are annulled owing to the intervention of the Festival. He is permitted to wash his garments, bathe himself and cut his hair on the eve of the Festival towards night-fall, inasmuch as he does so in honor of the Festival. On the eve of Passover, the mourner is permitted to bathe immediately after noon, as it is partially regarded as a Festival, but he should cut his hair in the forenoon (as another person is forbidden to cut his hair for him in the afternoon).

5. If the seventh day of mourning occurred on the eve of a Sabbath, and this Sabbath was the eve of a Festival, the mourner is permitted to wash, to bathe, and to cut his hair on the day preceding the Sabbath.

6. One who had neglected to cut his hair on the eve of the Sabbath or on the eve of a Festival, is forbidden to cut it during the Intermediate days of the Festival, inasmuch as he was able to cut it prior thereto, but he is permitted to cut it after the Festival. If, however, his seventh day of mourning ocurred on a Sabbath that was the eve of a Festival, inasmuch as he was not prevented from cutting by being a mourner, but he was only prevented by the intervention of the Sabbath, he is therefore considered as one who is forced, and he is so permitted to cut his hair during the Intermediate days of the Festival.

7. All the foregoing laws referring to the annulment of the thirty days of mourning by reason of the intervention of a Festival are applicable only in the case of the death of any relative except a parent, as one who mourns for the latter is forbidden to cut his hair until his friends reproach him for abstaining therefrom, such mourning is not annulled by a Festival.

8. If one had observed one hour of mourning (not necessarily a complete hour, as less also suffices) before the Passover, that hour is reckoned as though he had mourned for seven days, which together with the eight days of Passover it makes it a total of fifteen days and he need only mourn for fifteen days thereafter to complete the thirty days. If one had observed mourning for one hour before Pentecost, that hour is reckoned as seven days, and the first day of Pentecost is also reckoned as seven days, whilst the second day of Pentecost constitutes the fifteenth day of mourning, and the observance of fifteen days more completes the thirty days. If he had observed one hour's mourning before the Feast of Tabernacles, it is counted as seven days which together with the seven days of Tabernacles are reckoned as fourteen days, the Festival of *Shemani Azereth* counts also as seven days making a total of twenty-one days, the Day of the Rejoicing of the Law completes twenty-two days, and by the observance of eight days more he completes the thirty days.

9. The New Year and the Day of Atonement are also considered as Festivals with regard to the annulment of the seven days and the thirty days of mourning. Thus if one had observed one hour's mourning before the New Year it annuls the seven days of mourning, whilst the Day of Atonement annuls the thirty days of mourning. If he had observed one hour's mourning before the Day of Atonement, the latter annuls the seven days of mourning whilst the Feast of Tabernacles annuls the thirty days of mourning.

10. Although the Festival annuls the period of seven days mourning, nevertheless the custom of lighting a candle and keeping it in the place where the relative died in honor of his or her soul, should be observed also on the Festival, although the most appropriate course is to light it in the synagogue.

CHAPTER CCXXI.

Laws Concerning the Fast on the Day of Jahrzeit.

1. It is a religious duty to fast every year on the day when one's father or mother died, in order to stir up oneself to repentance; to examine his deeds on that day and repent about them, and because of this his father and mother will be elevated in Paradise. In the Afternoon Service of the anniversary he should say: "Answer us," the same as on a private fast day. If he had fasted once it is presumed that it was his intention to fast all his lifetime; he must therefore consider this fast as though he had vowed to keep it, which is binding upon him by the precepts of the Torah, and he must always fast on the anniversary. If he is sick or otherwise unable to fast, he must have his vow annuled. If he distinctly declare that he does not accept the fast as a vow, annulment is unnecessary. (It is customary to light a Jahrzeit candle).

2. The fast is always had on the day of death, even in the first year. Even if the death occurred at the close of the day, after the Afternoon Service had been said, but if it be still day, then that day is fixed as the Jahrzeit. If a few days had elapsed between the death and the burial, the first fast is observed on the anniversary of the burial, and in subsequent years always on the anniversary of the death.

3. If one died during a leap year either in the first or in the second Adar, then in an ordinary year he must fast on the like date in the month of Adar, but in a leap year he should fast in that particular month when death occurred, whether in the first or in the second Adar. If one died in Adar in an ordinary year, then in a leap year on that particular date in the first Adar he should fast, and on the same date in the second Adar he should also say *ḳaddish*, but he may not bar others from saying *ḳaddish*.

4. The month of Heshvan is at times full, i. e., consisting of thirty days, then the New Moon of the month of Kislev which folows it are two days, the first day of the New Moon being the thirtieth day of Heshvan and belongs to it, and the second day of the New Moon is the first day of Kislev (and this is true of every New Moon which consists of two days that the first day is the thirtieth of the month that passed and belongs to it). At times the month of Heshvan is defective, i. e., it has only twenty-nine days, and the New Moon of Kislev that follows it is only one day. Also the month of Kislev is at times full and the New Moon of Tebeth which follows is two days, and at times it is defective and the New Moon of Tebeth that follows is only one day. If one died on the New Moon of Kislev when it was but one day, then in that year when the New Moon of Kislev will consist of two days, the Jahrzeit should be observed on the second day of the New Moon which is the first day of the month of Kislev, because the death also occurred on the first day of Kislev. But if one died on the first day of the New Moon of Kislev when it was two days, then in the year when the New Moon of Kislev is but one day, it is doubtful when the Jahrzeit should be observed, whether on the twenty-ninth of Heshvan since the death occurred on the twenty-ninth, or since as regards vows we are guided by the ordinary expression of men, the Jahrzeit should be observed on the New Moon of Kislev as it is ordinarily called. It is proper to adopt this custom: If in the first succeeding year the New Moon of Kislev is but one day, he should observe the Jahrzeit on the twenty-ninth of Heshvan, and so whenever the month of Heshvan is defective. Nevertheless if on the morrow on the New Moon there be no other mourners present, he should then also say *ḳaddish* and officiate at the services, but he may not bar others from saying *ḳaddish*. If, however, in the first year that follows the New Moon of Kislev is two days, if so, he then establishes the Jahrzeit to be observed on the New Moon of Kislev, he should so continue to observe all his lifetime, and even when the New Moon will consist of but one day he also then observes it on the New Moon. This applies also to the month of Tebeth.

5. Since the New Moon of Tebeth is at times one day, i. e., the sixth day of *Chanukah*, then the sixth day of *Chanukah* is the sixth day of Tebeth, the seventh day the second day of Tebeth and the eighth day of *Chanukah* the third day of Tebeth. At times the New Moon is two days, i. e., the sixth and the seventh days of *Chanukah*, then the seventh day of *Chanukah* is the first of Tebeth and the eighth day of *Chanukah* the second day of Tebeth, therefore the one who has Jahrzeit on one of these days should not err in counting the days of *Chanukah* (to ascertain the day of the Jahrzeit), but he must count the days of the month.

6. On a day when the Propitiatory Prayers are omitted no Jahrzeit fast should be observed, nor should the father or the godfather fast (if having Jahrzeit) on the day the circumcision takes place; nor should the bridegroom fast (if having Jahrzeit) during the seven days of his marriage festivities. A person who has Jahrzeit may not partake of a repast held in connection with the conclusion of the studying a tractate of the Talmud. And on the days he is absolved from fasting, he should at least engage in the study of the Torah, in observing precepts and other good deeds to merit thereby the souls of his father and his mother.

7. On the evening on the morrow of which one has Jahrzeit he must not eat at a bridal banquet, because there is music in honor of the groom and the bride, and there is merriment. He may eat at a feast held in connection with a circumcision, or a redemption of a first-born son, or a conclusion of a Talmudic tractate.

8. If one is unaware of the day of his father's or his mother's death, he should select a certain day to keep the anniversary thereon; but he must not encroach upon the rights of others with regard to the *kaddish*.

He will destroy death forever; and the Lord God will wipe out tears from all faces (*Is. xxv*, 8). *Blessed be He who gives strength to the weary, and imparts much strength to the powerless.*